

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

STAFF SUMMARY REPORT (Jessica Watkins)
MEETING DATE: September 13, 2017

ITEM: **6A**

SUBJECT: **Rodeo Sanitary District, Rodeo Sanitary District Water Pollution Control Facility and Wastewater Collection System, Rodeo, Contra Costa County – Reissuance of NPDES Permit**

CHRONOLOGY: April 2012 – Permit reissued

DISCUSSION: This Revised Tentative Order (Appendix A) would reissue the NPDES permit for the Rodeo Sanitary District wastewater treatment plant and collection system. The plant provides secondary treatment of wastewater from Rodeo and Tormey, serving a population of about 8,700. The plant's average discharge to San Pablo Bay is 0.60 million gallons per day.

The Revised Tentative Order would continue to allow the discharge subject to updated requirements. Most significantly, it contains new numeric chronic toxicity effluent limits because available data indicate that there is reasonable potential for chronic toxicity in the discharge to cause or contribute to an exceedance of the Basin Plan narrative toxicity water quality objective. Numeric limits are consistent with the federal regulations on whole effluent toxicity limitations. The Revised Tentative Order also contains new chlorodibromomethane effluent limits.

The District submitted comments (Appendix B) on a draft order circulated for review. As explained in our Response to Comments (Appendix C), the District objects to maximum daily effluent limits for chlorodibromomethane, dioxin-TEQ, and chronic toxicity. The Response to Comments addresses all the comments. We do not propose substantial revisions because the draft requirements are based on Clean Water Act regulations, the Basin Plan, and authoritative guidance. We expect this item to be uncontested.

RECOMMEN-
DATION: Adoption of the Revised Tentative Order

FILE: CW-253174

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. CA0037826

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

Table 1. Discharger Information

| | |
|---------------------------|--|
| Discharger | Rodeo Sanitary District |
| Facility Name | Rodeo Sanitary District Water Pollution Control Facility and its collection system |
| Facility Address | 800 San Pablo Avenue Rodeo, CA 94572 Contra Costa County |
| CIWQS Place Number | 253174 |

Table 2. Discharge Locations

| Discharge Point | Effluent Description | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|------------------------|--|---------------------------------|----------------------------------|------------------------|
| 001 | Secondary Treated Municipal Wastewater | 38.041667° | -122.263611° | San Pablo Bay |

Table 3. Administrative Information

| | |
|---|------------------|
| This Order was adopted on: | <DATE> |
| This Order shall become effective on: | November 1, 2017 |
| This Order shall expire on: | October 31, 2022 |
| CIWQS Regulatory Measure Number | ## |
| 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: | February 1, 2022 |
| The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, San Francisco Bay Region, have classified this discharge as follows: | Major |

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

Bruce H. Wolfe, Executive Officer

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I. FACILITY INFORMATION

Information describing the Rodeo Sanitary District Water Pollution Control Facility and its collection system (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 (Attachment F) contains background information and rationale for the requirements in this Order and is hereby incorporated into and constitutes findings for this Order. Attachments A through E and G are also incorporated into this Order.
- C. 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.
- D. 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. R2-2012-0027 (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 violations of the previous order.

III. DISCHARGE PROHIBITIONS

- A.** Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.
- B.** Bypass of untreated or partially-treated wastewater to waters of the United States is prohibited, except as provided for in Attachment D sections I.G.2 and I.G.3.

- C. Discharge at Discharge Point No. 001 is prohibited when treated wastewater does not receive an initial dilution of at least 75:1, 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.b. The Discharger shall address measures taken to ensure this in its application for permit reissuance.
- D. Average dry weather influent flow in excess of 1.14 MGD is prohibited. Average dry weather influent flow shall be determined from three consecutive dry weather months each year, with compliance measured at Monitoring Location INF-001 as described in the Monitoring and Reporting Program (MRP) (Attachment E).
- 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 Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001 or EFF-001D as described in the MRP:

Table 4. Effluent Limitations

| Parameter | Units | Effluent Limitations | | | | |
|---|-----------------|------------------------|----------------|------------------------|-----------------------|-----------------------|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Carbonaceous Biochemical Oxygen Demand, 5-day @ 20°C (CBOD ₅) | mg/L | 25 | 40 | --- | --- | --- |
| Total Suspended Solids (TSS) | mg/L | 30 | 45 | --- | --- | --- |
| Oil and Grease | mg/L | 10 | --- | 20 | --- | --- |
| pH ^[1] | standard units | --- | --- | --- | 6.0 | 9.0 |
| Chlorine, Total Residual | mg/L | --- | --- | --- | --- | 0.0 |
| Ammonia, Total | mg/L as N | 54 | --- | 140 | --- | --- |
| Copper, Total | µg/L | 71 | --- | 120 | --- | --- |
| Cyanide, Total | µg/L | 20 | --- | 40 | --- | --- |
| Chlorodibromomethane | µg/L | 340 | --- | 680 | --- | --- |
| Dioxin-TEQ | µg/L | 1.4 x 10 ⁻⁸ | --- | 2.8 x 10 ⁻⁸ | --- | --- |
| Chronic Toxicity | TU _c | 51 | --- | 140 ^[2] | --- | --- |

Abbreviations:

mg/L = milligrams per liter
mg/L as N = milligrams per liter as nitrogen
µg/L = micrograms per liter
TU_c = chronic toxicity units, equal to 100/NOEL

Footnotes:

- ^[1] If the Discharger monitors pH continuously, pursuant to 40 C.F.R. section 401.17 the Discharger shall be in compliance with this pH limitation provided that both of the following conditions are satisfied: (i) the total time during which the pH is outside the required range shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the required pH range shall exceed 60 minutes.
- ^[2] The maximum daily effluent limitation for chronic toxicity shall be the maximum test result for the month.

- B. Percent Removal.** The average monthly percent removal of CBOD₅ and TSS at Discharge Point No. 001 shall not be less than 85 percent (i.e., in each calendar month, the arithmetic mean of CBOD₅ and TSS, by concentration, of effluent samples collected at Monitoring Location EFF-001 as described in the MRP, shall not exceed 15 percent of the arithmetic mean of CBOD₅ and TSS, by concentration, of influent samples collected at Monitoring Location INF-001 as described in the MRP, at approximately the same times during the same periods).
- C. Total Coliform Bacteria.** The discharge at Discharge Point No. 001 shall meet the following total coliform bacteria effluent limitations, with compliance measured at Monitoring Location EFF-001D as described in the MRP:
1. The moving median most probable number per 100 milliliters (MPN/100 mL) of total coliform bacteria in five consecutive samples shall not exceed 240 MPN/100 mL; and
 2. No single sample shall exceed 10,000 MPN/100 mL of total coliform bacteria.
- D. Enterococcus.** The monthly geometric mean enterococci bacteria concentration at Discharge Point No. 001 shall not exceed 35 MPN/100 mL, with compliance measured at Monitoring Location EFF-001D as described in the MRP.
- E. Whole Effluent Acute Toxicity.** The discharge at Discharge Point No. 001 shall meet the following acute toxicity effluent limitations, with compliance measured at Monitoring Location EFF-001D as described in the MRP:
1. Eleven-sample median of not less than 90 percent survival; and
 2. Eleven-sample 90th percentile 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 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 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 4 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 unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses;
 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 percent of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.
 2. Dissolved Sulfide Natural background levels
 3. pH The pH shall not be depressed below 6.5 or raised above 8.5. The discharge shall not cause changes greater than 0.5 pH units in normal ambient pH levels.
 4. Nutrients Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
- C.** The discharge shall not cause a violation of any water quality standard for receiving waters adopted by the Regional Water Board or State Water Resources Control Board (State Water Board) as required by the CWA and regulations adopted thereunder. If more stringent water

quality standards are promulgated or approved pursuant to CWA section 303, or amendments thereto, the Regional Water Board may revise or modify this Order in accordance with the more stringent standards.

VI. PROVISIONS

A. Standard Provisions

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

B. Monitoring and Reporting

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

C. Special Provisions

1. Reopener Provisions

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

- a. If present or future investigations demonstrate that the discharges governed by this Order have or will have, 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 as applicable.

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 | Once per calendar year |

The samples shall be analyzed for the priority pollutants listed in Attachment G, Table C, except for those priority 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-8). 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 exceedance of applicable water quality objectives. This requirement may be satisfied through identification of the constituent as a “pollutant of concern” in the Discharger’s Pollutant Minimization Program, described in Provision VI.C.3.

b. Reporting Requirements

- i. Routine Reporting.** The Discharger shall, within 45 days of receipt of analytical results, report the following in the transmittal letter for the appropriate self-monitoring report:
 - (a)** Indication that a sample for this characterization study was collected; and
 - (b)** Identity of pollutants detected at or above applicable water quality criteria (see Fact Sheet Table F-8 for the criteria), and the detected concentrations of those pollutants.

- ii. **Annual Reporting.** The Discharger shall summarize the annual data evaluation and source investigation in the annual self-monitoring report.
- iii. **Final Report.** The Discharger shall submit a final report that presents all these data with the application for permit reissuance. 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 Program to promote minimization of pollutant loadings to the treatment plant and therefore to the receiving waters.
- b. The Discharger shall submit an annual report no later than February 28 of each calendar year. Each annual report shall include at least the following information:
 - i. **Brief description of treatment plant.** The description shall include the service area and treatment plant processes.
 - ii. **Discussion of current pollutants of concern.** Periodically, the Discharger shall analyze its circumstances to determine which pollutants are currently a problem and which pollutants may be potential future problems. This discussion shall include the reasons for choosing the pollutants.
 - iii. **Identification of sources for pollutants of concern.** This discussion shall include how the Discharger intends to estimate and identify pollutant sources. The Discharger shall include sources or potential sources not directly within the ability or authority of the Discharger to control, such as pollutants in the potable water supply and air deposition.
 - iv. **Identification of tasks to reduce the sources of pollutants of concern.** This discussion shall identify and prioritize tasks to address the Discharger's pollutants of concern. The Discharger may implement the tasks by itself or participate in group, regional, or national tasks that address its pollutants of concern. The Discharger is strongly encouraged to participate in group, regional, or national tasks that address its pollutants of concern whenever it is efficient and appropriate to do so. An implementation timeline shall be included for each task.
 - v. **Outreach to employees.** The Discharger shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the Facility. The Discharger may provide a forum for employees to provide input.
 - vi. **Continuation of Public Outreach Program.** The Discharger shall prepare a pollution prevention public outreach program for its service area. Outreach may include participation in existing community events, such as county fairs; initiating new community events, such as displays and contests during Pollution Prevention Week; conducting school outreach programs; conducting plant tours; and providing public information in newspaper articles or advertisements, radio or television stories

or spots, newsletters, utility bill inserts, or websites. Information shall be specific to target audiences. The Discharger shall coordinate with other agencies as appropriate.

- vii. Discussion of criteria used to measure Pollutant Minimization Program and task effectiveness.** The Discharger shall establish criteria to evaluate the effectiveness of its Pollutant Minimization Program. This discussion shall identify the specific criteria used to measure the effectiveness of each task in Provisions VI.C.3.b.iii, iv, v, and vi.
 - viii. Documentation of efforts and progress.** This discussion shall detail all of the Discharger's Pollutant Minimization Program activities during the reporting year.
 - ix. Evaluation of Pollutant Minimization Program and task effectiveness.** The Discharger shall use the criteria established in Provision VI.C.3.b.vii to evaluate the program and task effectiveness.
 - x. Identification of specific tasks and timelines for future efforts.** Based on the evaluation, the Discharger shall explain how it intends to continue or change its tasks to more effectively reduce the amount of pollutants flowing to the treatment plant, and subsequently in its effluent.
- c.** The Discharger shall develop and conduct a Pollutant Minimization Program as further described below when there is evidence that a priority pollutant is present in the effluent above an effluent limitation (e.g., sample results reported as detected but not quantified [DNQ] when the effluent limitation is less than the method detection limit [MDL], sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, or results of benthic or aquatic organism tissue sampling) and either:
 - i.** A sample result is reported as DNQ and the effluent limitation is less than the Reporting Level (RL); or
 - ii.** A sample result is reported as not detected (ND) and the effluent limitation is less than the MDL, using definitions in Attachment A and reporting protocols described in the MRP.
 - d.** If triggered by the reasons set forth in Provision VI.C.3.c, above, the Discharger's Pollutant Minimization Program shall include, but not be limited to, the following actions and submittals:
 - i.** Annual review and semi-annual monitoring of potential sources of the reportable priority pollutants, which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures when source monitoring is unlikely to produce useful analytical data;
 - ii.** Quarterly monitoring for the reportable priority pollutants in the influent to the Facility. The Executive Officer may approve alternative measures when influent monitoring is unlikely to produce useful analytical data;

- iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutants in the effluent at or below the effluent limitation;
- iv. Implementation of appropriate cost-effective control measures for the reportable priority pollutants, consistent with the control strategy; and
- v. Inclusion of the following specific items within the annual report required by Provision VI.C.3.b above:
 - (a) All Pollutant Minimization Program monitoring results for the previous year;
 - (b) List of potential sources of the reportable priority pollutants;
 - (c) Summary of all actions undertaken pursuant to the control strategy; and
 - (d) Description of actions to be taken in the following year.

4. Special Provisions for Publicly-Owned Treatment Works (POTWs)

a. 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 facilities shall be adequate to divert surface runoff from adjacent areas, to protect site boundaries from erosion, and to prevent conditions that would cause drainage from stored materials. 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.

b. 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 5. Copper Action Plan

| Task | Compliance Date |
|--|--|
| <p>1. Implement Copper Control Program Continue implementing existing program to reduce identified copper sources, including, as applicable, taking the following actions:</p> <ul style="list-style-type: none"> a. Providing education and outreach to the public (e.g., focusing on proper pool | <p>Implementation shall be ongoing</p> |

| Task | Compliance Date |
|--|---|
| <p>and spa maintenance and plumbers' roles in reducing corrosion);</p> <p>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</p> <p>c. Educating plumbers, designers, and maintenance contractors for pools and spas to encourage best management practices that minimize copper discharges.</p> | |
| <p>2. Implement Additional Actions If the Regional Water Board notifies the Discharger that the three-year rolling mean dissolved copper concentration in San Pablo Bay exceeds 3.0 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 (at least 90 days following notification)</p> |
| <p>3. Report Status Submit an annual report documenting copper control program implementation that evaluates the effectiveness of the actions taken, including any additional actions required by Task 2 above, and provides a schedule for actions to be taken within the next 12 months.</p> | <p>With annual pollution prevention report due February 28 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 6. Cyanide Action Plan

| Task | Compliance Date |
|---|--|
| <p>1. Review Potential Cyanide Sources Submit an up-to-date inventory of potential cyanide sources. If no cyanide source is identified, tasks 2 and 3, below, are not required unless the Discharger receives a request to discharge detectable levels of cyanide to the sewer. In this case, notify the Executive Officer and implement tasks 2 and 3.</p> | <p>With annual pollution prevention report due February 28, 2018</p> |
| <p>2. Implement Cyanide Control Program Implement a control program to minimize cyanide discharges consisting, at a minimum, of the following elements:</p> <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 the plant influent cyanide concentration exceeds 18 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 18 µg/L, then a "significant cyanide discharge" is occurring.</p> | <p>Implementation shall be ongoing</p> |

| Task | Compliance Date |
|--|---|
| <p>3. Implement Additional Measures If the Regional Water Board notifies the Discharger that ambient monitoring shows cyanide concentrations are 1.0 µg/L or higher in the main body of San Francisco Bay, then within 90 days of the notification, commence actions to identify and abate cyanide sources responsible for the elevated ambient concentrations, report on the progress and effectiveness of the actions taken, and provide a schedule for actions to be taken within the next 12 months.</p> | <p>With next annual pollution prevention report due February 28 (at least 90 days following notification)</p> |
| <p>4. Report Status of Cyanide Control Program Submit an annual report documenting cyanide control program implementation and addressing the effectiveness of actions taken, including any additional cyanide controls required by Task 3, above, and provide a schedule for actions to be taken within the next 12 months.</p> | <p>With annual pollution prevention report due February 28 each year</p> |

- c. 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; 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.
- d. Outfall Diffuser Maintenance.** By January 22, 2019, the Discharger shall submit documentation verifying that all 30 outfall diffuser ports are operating as designed, and it complies with Discharge Prohibition III.C.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ)

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

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

Average Monthly Effluent Limitation (AMEL)

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

Average Weekly Effluent Limitation (AWEL)

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

Bioaccumulative

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

Carcinogenic

Known to cause cancer in living organisms.

Coefficient of Variation

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

Daily Discharge

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

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

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

Detected, but Not Quantified (DNQ)

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

Dilution Credit

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

Effluent Concentration Allowance (ECA)

Value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the CV for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as 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 (σ)

Measure of variability calculated as follows:

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

where:

x is the observed value;

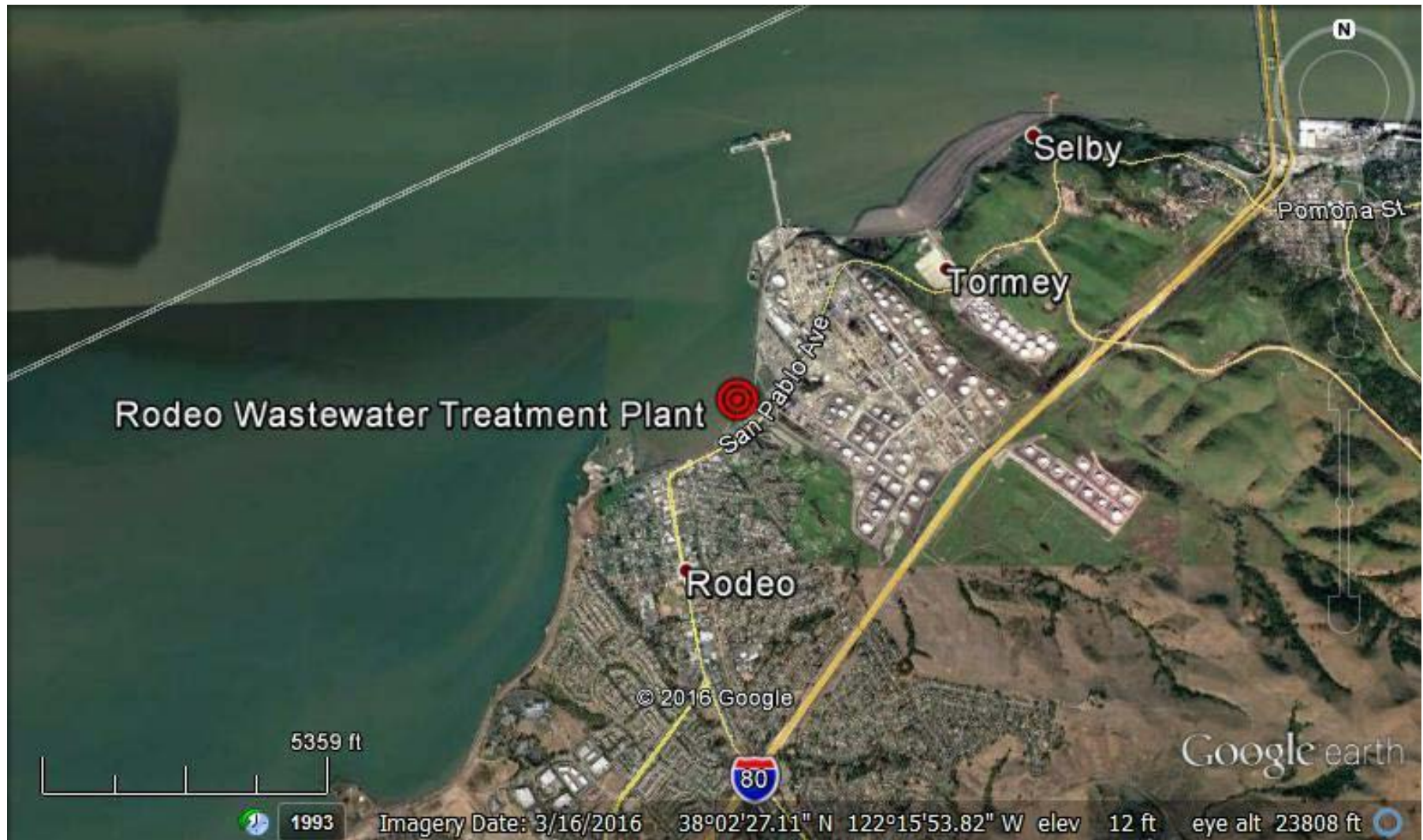
μ is the arithmetic mean of the observed values; and

n is the number of samples.

Toxicity Reduction Evaluation (TRE)

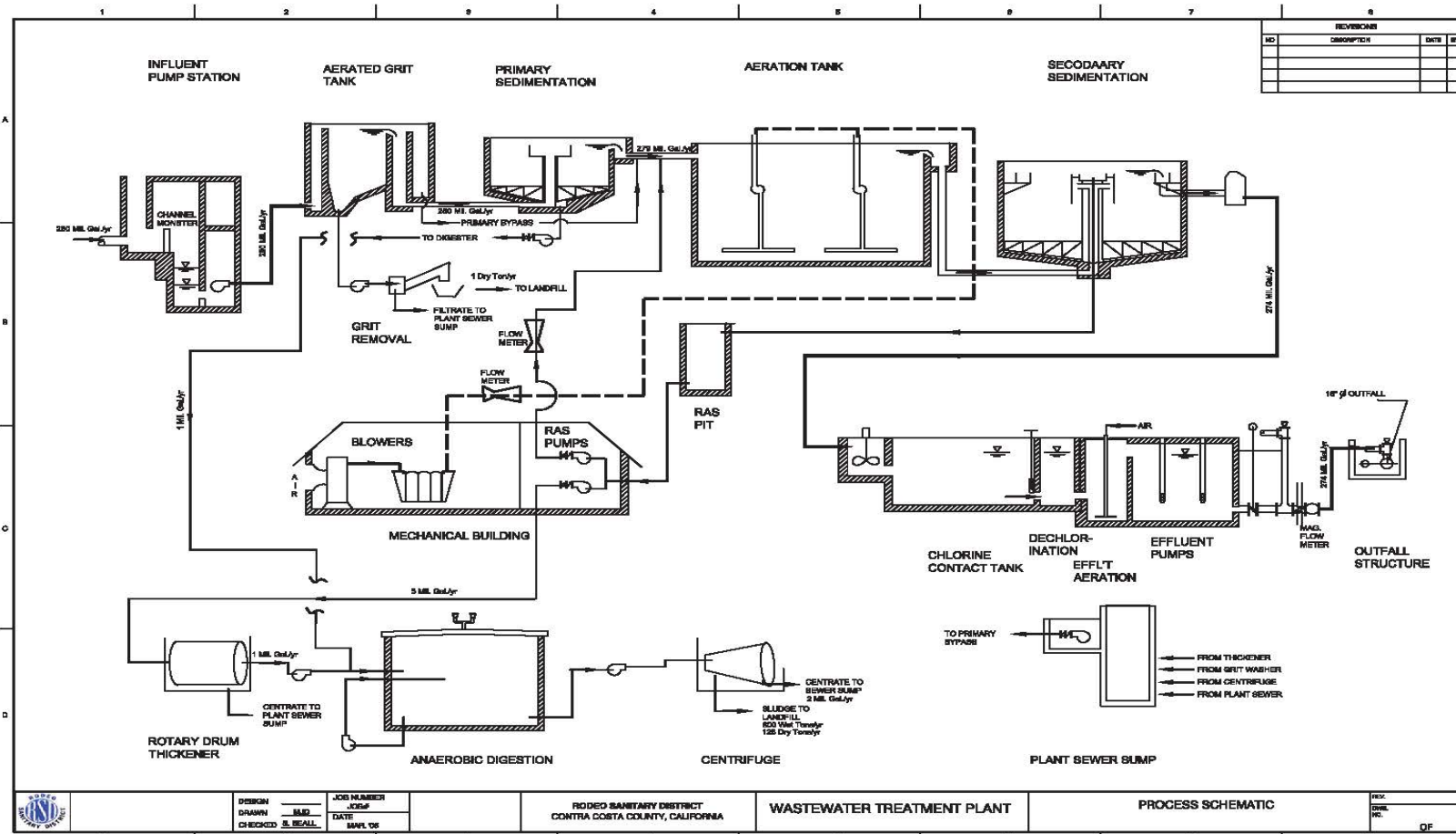
Study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of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

ATTACHMENT B – FACILITY MAPS





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 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, 13350, 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)

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

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

I. GENERAL MONITORING PROVISIONS

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

| Sampling Location Type | Monitoring Location Name | Monitoring Location Description ^[1] |
|------------------------|--------------------------|---|
| Influent | INF-001 | A point in the treatment plant headworks where all waste tributary to the treatment system is present and preceding any phase of treatment. |
| Effluent | EFF-001 | A point at the treatment plant effluent wet well downstream of the dechlorination point. This location may be the same as Monitoring Location EFF-001D. <i>Latitude: 38.041667°, Longitude: -122.263611°</i> |
| Effluent | EFF-001D | A point following dechlorination at which adequate contact with the disinfectant is ensured. This location may be the same as Monitoring Location EFF-001. |
| Biosolids | BIO-001 | Biosolids (treated sludge) |

Footnote:

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

III. INFLUENT MONITORING REQUIREMENTS

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

Table E-2. Influent Monitoring

| Parameter | Units | Sample Type | Minimum Sampling Frequency |
|---|--------|-------------|----------------------------|
| Flow ^[1] | MG/MGD | Continuous | Continuous/D |
| Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C) | mg/L | C-24 | 1/Week |
| Total Suspended Solids | mg/L | C-24 | 1/Week |
| Cyanide, Total ^[2] | µg/L | Grab | 2/Year |

Abbreviations:

MG = million gallons
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
1/Week = once per week
2/Year = twice per year

Footnotes:

^[1] For influent flow, the following information shall be reported monthly:

- Daily average flow (MGD)
- Total monthly flow volume (MG)

^[2] 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 treatment plant effluent at Monitoring Location EFF-001 or EFF-001D as follows:

Table E-3. Effluent Monitoring

| Parameter | Units | Sample Type | Minimum Sampling Frequency |
|---|-----------------|--------------------|----------------------------|
| Flow ^[1] | MG/MGD | Continuous | Continuous/D |
| Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C) | mg/L | C-24 | 1/Week |
| Total Suspended Solids | mg/L | C-24 | 1/Week |
| Oil and Grease | mg/L | C-24 | 1/Quarter |
| pH ^[2] | s.u. | Continuous | Continuous |
| Chlorine, Total Residual ^[3] | mg/L | Continuous or Grab | Continuous/H |
| Acute Toxicity ^[4] | % survival | Continuous | 1/Month |
| Chronic Toxicity ^[5] | TU _c | C-24 | 2/Year |
| Total Coliform ^[6,7] | MPN/100 mL | Grab | 1/Quarter |
| Enterococcus Bacteria ^[6] | MPN/100 mL | Grab | 3/Week |

| Parameter | Units | Sample Type | Minimum Sampling Frequency |
|--------------------------------------|-----------|-------------|----------------------------|
| Ammonia, Total | mg/L as N | Grab | 1/Month |
| Copper, Total | µg/L | C-24 | 1/Month |
| Cyanide, Total ^[8] | µg/L | Grab | 1/Month |
| Chlorodibromomethane | µg/L | Grab | 2/Year |
| Dioxin-TEQ | µg/L | Grab | 2/Year |
| Standard Observations ^[9] | --- | --- | 1/Week |

Abbreviations:

- % = percent
- °C = degrees Celsius
- °F = degrees Fahrenheit
- 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
- s.u. = standard units
- TU_c = chronic toxicity units, equal to 100/NOEL

Sampling Types and Frequencies:

- C-24 = 24-hour composite sample
- Grab = grab sample
- Continuous = measured continuously
- Continuous/D = measured continuously, and recorded and reported daily
- 1/Week = once per week
- 3/Week = three times per week
- 1/Month = once per month
- 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] If pH is monitored continuously, the minimum and maximum for each day shall be reported in self-monitoring reports.
- [3] 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 chlorine residual limit.
- [4] Acute toxicity tests shall be performed in accordance with MRP section V.A.
- [5] Chronic toxicity tests shall be performed in accordance with MRP section V.B.
- [6] Results may be reported as Colony Forming Units (CFU)/100 mL if the laboratory method used provides results in CFU/100 mL.
- [7] Total coliform bacteria shall be monitored once per quarter at a minimum. If the total coliform effluent limitation is exceeded, the Discharger shall conduct 3/Week accelerated sampling for at least four consecutive weeks. If full compliance is demonstrated during the four-week period, the Discharger may return to the 1/Quarter sampling frequency.

^[8] 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.

^[9] Standard Observations are specified in Attachment G section III.C.2.

V. TOXICITY TESTING REQUIREMENTS

A. Acute Toxicity

1. Compliance with the acute toxicity effluent limitations shall be evaluated at Monitoring Location EFF-001D by measuring survival of test organisms exposed to 96-hour continuous flow-through bioassays.
2. Test organisms shall be fathead minnow (*Pimephales promelas*) or rainbow trout (*Onchorhynchus mykiss*). Alternatively, the Executive Officer may specify a more sensitive organism or, if testing a particular organism proves unworkable, the most sensitive organism available.
3. All bioassays shall be performed according to the most up-to-date protocols in 40 C.F.R. part 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, 5th Edition (EPA-821-R-02-012). If these protocols prove unworkable, the Executive Officer and the Environmental Laboratory Accreditation Program may grant exceptions in writing upon the Discharger's request with justification.
4. If the Discharger demonstrates that specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, compliance with the acute toxicity limit may be determined after test samples are adjusted to remove the influence of those substances. Written acknowledgement that the Executive Officer concurs with the Discharger's demonstration and that the adjustment will not remove the influence of other substances must be obtained prior to any such adjustment. The Discharger may manually adjust the pH of whole effluent acute toxicity samples prior to performing bioassays to minimize ammonia toxicity interference.
5. Bioassay water monitoring shall include, on a daily basis, pH, dissolved oxygen, ammonia (if toxicity is observed), temperature, hardness, and alkalinity. These results shall be reported. If final or intermediate results of an acute bioassay test indicate a violation or threatened violation (e.g., the percentage of surviving test organisms is less than 70 percent), the Discharger shall initiate a new test as soon as practical and shall investigate the cause of the mortalities and report its findings in the next self-monitoring report. The Discharger shall repeat the test until a test fish survival rate of 90 percent or greater is observed. If the control fish survival rate is less than 90 percent, the bioassay test shall be restarted with new fish and shall continue as soon as practical until an acceptable test is completed (i.e., control fish survival rate is 90 percent or greater).

B. Chronic Toxicity

1. Monitoring Requirements

- a. **Sampling.** The Discharger shall collect 24-hour composite effluent samples at Monitoring Location EFF-001D for critical life stage toxicity testing as indicated below.

For toxicity tests requiring renewals, the Discharger shall collect 24-hour composite samples on consecutive or alternating days.

- b. Test Species.** The test species shall be the water flea (*Ceriodaphnia dubia*) 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 twice per year.
- ii.** The Discharger shall accelerate monitoring to monthly after exceeding a single-sample maximum of 10 TU_c (100/NOEL). Based on the TU_c results, the Executive Officer may specify a different frequency for accelerated monitoring to ensure that accelerated monitoring provides useful information.
- iii.** The Discharger shall return to routine monitoring if accelerated monitoring does not exceed the trigger in ii, above.
- iv.** If accelerated monitoring confirms consistent toxicity in excess of the trigger in ii, above, the Discharger shall continue accelerated monitoring and initiate toxicity reduction evaluation (TRE) procedures in accordance with section V.B.3, below.
- v.** The Discharger shall return to routine monitoring after implementing appropriate elements of the TRE, and either the toxicity drops below the trigger in ii, above, or, based on the TRE results, the Executive Officer determines that accelerated monitoring would no longer provide useful information.
- vi.** 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. These are *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, currently first edition (EPA/600/R-95-136), *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, currently third edition (EPA-821-R-02-014) and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, currently fourth edition (EPA-821-R2-02-013). If these protocols prove unworkable, the Executive Officer and the Environmental Laboratory

Accreditation Program may grant exceptions in writing upon the Discharger's request with justification.

If the Discharger demonstrates that specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, compliance with the chronic toxicity limit may be determined after test samples are adjusted to remove the influence of those substances. 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 20%, 10%, 5%, 2.5%, 1.25%, and 0.625%. 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

The Discharger shall provide toxicity test results with self-monitoring reports and shall include the following, at a minimum, for each test:

- a. Sample date
- b. Test initiation date
- c. Test species
- d. End point values for each dilution (e.g., number of young, growth rate, percent survival)
- e. No Observed Effect Level (NOEL) values in percent effluent. The NOEL shall equal the IC₂₅ or EC₂₅ (see MRP Appendix E-1). If the IC₂₅ or EC₂₅ cannot be statistically determined, the NOEL shall equal the No Observed 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.
- f. IC₁₅, IC₂₅, IC₄₀, and IC₅₀ values (or EC₁₅, EC₂₅, EC₄₀, and EC₅₀) as percent effluent
- g. TU_c values (100/NOEL and upper and lower confidence intervals)
- h. Mean percent mortality (\pm s.d.) after 96 hours in 100% effluent (if applicable)
- i. IC₅₀ or EC₅₀ values for reference toxicant tests
- j. Available water quality measurements for each test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, ammonia)

3. Toxicity Reduction Evaluation (TRE)

- a. The Discharger shall prepare a generic TRE work plan within 90 days of the effective date of this Order to be ready to respond to toxicity events. The Discharger shall review and update the work plan as necessary so that it remains current and applicable to the discharge and discharge facilities.

- b.** Within 30 days of exceeding the chronic toxicity trigger in section V.B.1.c.ii, above, the Discharger shall submit a TRE work plan, which shall be the generic work plan revised as appropriate for this toxicity event after consideration of available discharge data.
- c.** Within 30 days of completing an accelerated monitoring test observed to exceed the trigger in section V.B.1.c.ii, above, the Discharger shall initiate a TRE in accordance with a TRE work plan that incorporates any and all Executive Officer comments.
- d.** The TRE shall be specific to the discharge and be in accordance with current technical guidance and reference materials, including U.S. EPA guidance materials. The Discharger shall conduct the TRE as a tiered evaluation as summarized below:
 - i.** Tier 1 shall consist of basic data collection (routine and accelerated monitoring).
 - ii.** Tier 2 shall consist of evaluation of treatment process optimization, including operational practices and in-plant process chemicals.
 - iii.** Tier 3 shall consist of a toxicity identification evaluation (TIE).
 - iv.** Tier 4 shall consist of evaluation of options for additional effluent treatment processes.
 - v.** Tier 5 shall consist of evaluation of options for modifications of in-plant treatment processes.
 - vi.** Tier 6 shall consist of implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.
- e.** The Discharger may end the TRE at any stage if monitoring finds there is no longer consistent toxicity (i.e., compliance with the trigger 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. 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 section VIII 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 at 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 calendar month. The monthly SMR shall contain the applicable items described in sections V.B and V.C of both Attachments D and G of this Order. See Provision VI.C.2 (Effluent Characterization Study and Report) of this Order for information that must also be reported with monthly SMRs.

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

b. Annual SMR. Annual SMRs shall be due February 1 each year, covering the previous calendar year. The annual SMR shall contain the items described in section V.C.1.f of Attachment G (as amended by section VIII.B, below). See also Provision VI.C.2 (Effluent Characterization Study and Report) of the Order for requirements to submit reports with the annual SMR.

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

Table E-4. CIWQS Reporting

| Parameter | Method of Reporting | |
|--|--|--|
| | EDF/CDF data upload or manual entry | Attached File |
| All parameters identified in influent, effluent, and receiving water monitoring tables (except Dissolved Oxygen and Temperature) | Required for all results | |
| Dissolved Oxygen Temperature | Required for monthly maximum and minimum results only ^[1] | Discharger may use this method for all results or keep records |

| 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 ^[2] |
| Volume and Duration of Blended Discharge ^[3] | | Required for all blended effluent discharges |
| Analytical Method | | Not required (Discharger may select "data unavailable") ^[1] |
| Collection Time Analysis Time | | Not required (Discharger may select "0:00") ^[1] |

Footnotes:

- ^[1] The Discharger shall continue to monitor at the minimum frequency specified in this MRP, keep records of the measurements, and make the records available upon request.
- ^[2] These parameters require EDF/CDF data upload or manual entry regardless of whether monitoring is required by this MRP or other provisions of this Order (except for biosolids, sludge, or ash provisions).
- ^[3] 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 data to clearly illustrate whether the Facility is operating in compliance with effluent limitations. The Discharger is not required to duplicate the submittal of data entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format, the Discharger shall electronically submit the data in a tabular format as an attachment.

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

Table E-5. Monitoring Periods

| Sampling Frequency | Monitoring Period Begins On... | Monitoring Period |
|--------------------|--|---|
| Continuous/D | Order effective date | All times |
| 1/Week or 3/Week | First Sunday following or on Order effective date | Sunday through Saturday |
| 1/Month | First day of calendar month following or on Order effective date | First day of calendar month through last day of calendar month |
| 1/Quarter | Closest January 1, April 1, July 1, or October 1 following or on Order effective date ^[1] | January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31 |

| Sampling Frequency | Monitoring Period Begins On... | Monitoring Period |
|--------------------|---|---|
| 1/Year | Closest January 1 before or after Order effective date ^[1] | January 1 through December 31 |
| 2/Year | Closest January 1 or July 1 before or after Order effective date ^[1] | January 1 through June 30 July 1 through December 31 |

Footnote:

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

4. 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.

5. 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.

VIII. MODIFICATIONS TO ATTACHMENT G

This MRP modifies Attachment G as indicated below:

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

- 2) When determining compliance with an average monthly or maximum daily effluent limitation, and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of 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 Plants¹

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and supersede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008.

a. Two (2)-Hour Notification

For any unauthorized discharges that enter a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the California Office of Emergency Services (CalOES, currently 800-852-7550), the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. Timely notification by the Discharger to CalOES also satisfies notification to the Regional Water Board. Notification shall include the following:

- 1) Incident description and cause;
- 2) Location of threatened or involved waterway(s) or storm drains;
- 3) Date and time the unauthorized discharge started;
- 4) Estimated quantity and duration of the unauthorized discharge (to the extent known), and the estimated amount recovered;
- 5) Level of treatment prior to discharge (e.g., raw wastewater, primary treated, undisinfected secondary treated, and so on); and
- 6) Identity of the person reporting the unauthorized discharge.

b. 24-hour Certification – *Deleted*

c. 5-day Written Report

Within five business days, the Discharger shall submit a written report that includes, in addition to the information required above, the following:

- 1) Methods used to delineate the geographical extent of the unauthorized discharge within receiving waters;
- 2) Efforts implemented to minimize public exposure to the unauthorized discharge;

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

- 3) Visual observations of the impacts (if any) noted in the receiving waters (e.g., fish kill, discoloration of water) and the extent of sampling if conducted;
 - 4) Corrective measures taken to minimize the impact of the unauthorized discharge;
 - 5) Measures to be taken to minimize the chances of a similar unauthorized discharge occurring in the future;
 - 6) Summary of Spill Prevention Plan or O&M Manual modifications to be made, if necessary, to minimize the chances of future unauthorized discharges; and
 - 7) Quantity and duration of the unauthorized discharge, and the amount recovered.
- d. Communication Protocol – *Deleted*

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

I. Definition of Terms

- A. No observed effect level (NOEL) for compliance determination is equal to IC₂₅ or EC₂₅. If the IC₂₅ or EC₂₅ cannot be statistically determined, the NOEL shall be equal to the NOEC derived using hypothesis testing.
- B. Effective concentration (EC) is a point estimate of the toxicant concentration that would cause an adverse effect on a quantal, “all or nothing,” response (such as death, immobilization, or serious incapacitation) in a given percent of the test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Kärber. EC₂₅ is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.
- C. Inhibition concentration (IC) is a point estimate of the toxicant concentration that would cause a given percent reduction in a nonlethal, nonquantal biological measurement, such as growth. For example, an IC₂₅ is the estimated concentration of toxicant that would cause a 25 percent reduction in average young per female or growth. IC values may be calculated using a linear interpolation method such as USEPA'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 screening phase shall, at a minimum, consist of following elements:
 - 1. Use of test species specified in Appendix E-2, attached, and use of the protocols referenced in those tables, or as approved by the Executive Officer.
 - 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 and as approved by the Executive Officer.
 - 3.** Appropriate controls.
 - 4.** Concurrent reference toxicant tests.
 - 5.** Dilution series 100%, 50%, 25%, 10%, 5%, 0 %, where “%” is percent effluent as discharged, or as otherwise approved 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,</i> <i>S. franciscanus)</i> <i>(Dendraster excentricus)</i> | Percent fertilization or larval development | 1 hour or 72 hours | 2 |
| Shrimp | <i>(Mysidopsis 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 |
| Silverside | <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> | Cell division rate | 4 days | 4 |

Toxicity Test Reference:

- 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 | | |
|--|-------------------------------------|---|-------------------------------------|
| | Discharge to coast | Discharge to San Francisco Bay ^[1] | |
| | Ocean | Marine/Estuarine | Freshwater |
| Taxonomic diversity | 1 plant 1 invertebrate 1 fish | 1 plant 1 invertebrate 1 fish | 1 plant 1 invertebrate 1 fish |
| Number of tests of each salinity type: Freshwater ^[2] | 0 | 1 or 2 | 3 |
| Marine/Estuarine | 4 | 3 or 4 | 0 |
| Total number of tests | 4 | 5 | 3 |

Footnotes:

- Marine refers to receiving water salinities greater than 10 parts per thousand (ppt) at least 95 percent of the time during a normal water year.
 - Freshwater refers to receiving water with salinities less than 1 ppt at least 95 percent of the time during a normal water year.
 - Estuarine refers to receiving water salinities that fall between those of marine and freshwater, as described above.
- The freshwater species may be substituted with marine species if:
 - The salinity of the effluent is above 1 ppt greater than 95 percent of the time, or
 - The ionic strength (TDS or conductivity) of the effluent at the test concentration used to determine compliance is documented to be toxic to the test species.

ATTACHMENT F - FACT SHEET

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ATTACHMENT F – FACT SHEET

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

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility:

Table F-1. Facility Information

| | |
|---|--|
| WDID | 2 071039001 |
| CIWQS Place ID | 253174 |
| Discharger | Rodeo Sanitary District |
| Name of Facility | Rodeo Sanitary District Water Pollution Control Facility and its collection system |
| Facility Address | 800 San Pablo Avenue, Rodeo, CA 94572 Contra Costa County |
| Facility Contact, Title, Phone | Steven S. Beall, District Manager, (510) 799-2970 |
| Authorized Person to Sign and Submit Reports | Same as above |
| Mailing Address | Same as above |
| Billing Address | Same as above |
| Type of Facility | Publicly-Owned Treatment Works (POTW) |
| Major or Minor Facility | Major |
| Threat to Water Quality | 1 |
| Complexity | A |
| Pretreatment Program | No |
| Reclamation Requirements | NA |
| Mercury and PCBs Requirements | NPDES Permit No. CA0038849 |
| Nutrients Requirements | NPDES Permit No. CA0038873 |
| Facility Permitted Flow | 1.14 million gallons per day (MGD) (average dry weather flow) |
| Facility Design Flow | 1.14 MGD (average dry weather flow) 3.4 MGD (peak wet weather flow) |
| Watershed | San Pablo Bay Basin |
| Receiving Water | San Pablo Bay |
| Receiving Water Type | Estuarine |

- A.** The Rodeo Sanitary District (Discharger) owns and operates the Rodeo Sanitary District Water Pollution Control Facility and its wastewater collection system (collectively, the Facility). The Facility provides secondary treatment of wastewater collected from its service area and discharges to San Pablo 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 National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037826. The Discharger was previously subject to Order No. R2-2012-0027

(previous order). Order No. R2-2016-0008 amended Order No. R2-2012-0027 to provide for an alternate 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 November 30, 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.

- C. The discharge is also regulated under NPDES Permit Nos. CA0038849 and CA0038873, which establish requirements on mercury and polychlorinated biphenyls (PCBs) and nutrients from wastewater discharges to San Francisco Bay. This Order does not affect those permits.
- D. 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 section 1211. This is not an NPDES permit requirement.

II. FACILITY DESCRIPTION

A. Wastewater and Biosolids Treatment

1. **Location and Service Area.** The wastewater treatment plant is located at 800 San Pablo Avenue in Rodeo. It provides secondary treatment of domestic and commercial wastewater for Rodeo and Tormey, which are unincorporated areas of Contra Costa County. The Facility serves a population of about 8,700 people. Attachment B shows a map of the area around the Facility.
2. **Collection System.** The collection system is a separate sewer system comprised of approximately 27 miles of pipes and two pump stations.
3. **Wastewater Treatment.** The wastewater treatment process consists of comminutors at the influent pump station, aerated grit removal, primary clarification, biological secondary treatment, and disinfection. The treatment plant has an average daily treatment capacity of up to 1.14 million gallons per day (MGD) and a peak wet weather capacity of 3.4 MGD (peak one-hour average flow). From November 2014 through October 2015, the plant treated a daily average of 0.60 MGD and a maximum instantaneous flow of 5.2 MGD. Attachment C provides the treatment plant flow schematic.
4. **Sludge and Biosolids Management.** The Discharger thickens primary and secondary sludge with a rotary drum thickener, treats the combined sludge with anaerobic digestion, and dewateres the combined sludge with a centrifuge and then drying beds. Biosolids are hauled to a landfill for disposal.

5. Stormwater Management. The Discharger is not 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 plant and pump stations is collected and directed to the plant headworks for treatment.

C. Discharge Point and Receiving Waters

Discharge of treated effluent to San Pablo Bay is through a submerged, multi-port diffuser located approximately 3,775 feet offshore (Discharge Point No. 001) at a depth of 16 feet below mean sea level, almost on the San Pablo Bay floor. The 120-foot diffuser consists of 15 pairs of diffuser ports (30 ports total) placed 8 feet apart on center. The 2.5-inch diameter ports are sharp-edged.

According to an outfall pipeline inspection conducted in August 2016, two of the diffuser ports are buried. Provision VI.C.5.d of this Order requires the Discharger to ensure that all diffuser ports are operational. The Rodeo Sanitary District, the City of Pinole, and the City of Hercules jointly own and operate the outfall facilities and are developing plans for outfall and diffuser maintenance based on the report findings. Based on the outfall configuration, the discharge is considered a deepwater discharge as defined in Basin Plan section 4.6.1.

C. Previous Requirements and Monitoring Data

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

Table F-2. Previous Effluent Limitations and Monitoring Data

| Parameter | Units | Effluent Limitations | | | Monitoring Data (6/2012 – 2/2017) |
|--|-----------------|---|----------------|------------------------|-----------------------------------|
| | | Monthly Average | Weekly Average | Daily Maximum | Highest Daily Discharge |
| Carbonaceous Biochemical Oxygen Demand (5-day @ 20°C) (CBOD ₅) | mg/L | 25 | 40 | --- | 23 |
| Total Suspended Solids (TSS) | mg/L | 30 | 45 | --- | 41 ^[1] |
| CBOD percent removal | % | 85 (minimum) | --- | --- | 91 ^[2] |
| TSS percent removal | % | 85 (minimum) | --- | --- | 94 ^[2] |
| Oil and Grease | mg/L | 10 | --- | 20 | ND |
| pH | standard units | 6.0 – 9.0 | | | 6.0 – 7.6 ^[3] |
| Chlorine, Total Residual | mg/L | --- | --- | 0.0 | 7.6 |
| Copper, Total | µg/L | 74 | --- | 120 | 12 |
| Cyanide, Total | µg/L | 20 | --- | 43 | 16 |
| Dioxin-TEQ | µg/L | 1.4 x 10 ⁻⁸ | --- | 4.5 x 10 ⁻⁸ | 0 ^[4] |
| Total Ammonia | mg/L as N | 54 | --- | 140 | 15 |
| Total Coliform | MPN/100 mL | 240 ^[5] | --- | 10,000 ^[6] | ≥16,000 ^[7] |
| Enterococcus | MPN/100 mL | 35 ^[8] | --- | --- | 2 |
| Acute Toxicity | % survival | Not less than 90% (11-Sample Median) | | | 0% ^[9] |
| | | Not less than 70% (11-Sample 90 th Percentile) | | | |
| Chronic Toxicity | TU _c | No chronic toxicity in the discharge as discharged. | | | 61 |

Abbreviations:

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
ND = not detected
TU_c = chronic toxicity units, equal to 100/NOEL
% = percent
% survival = percent survival

Footnotes:

- [1] The Discharger did not violate the previous order’s TSS effluent limitations because the highest monthly average was 15 mg/L.
- [2] Lowest monthly average.
- [3] Range of lowest and highest pH values.
- [4] Dioxin-TEQ was calculated in accordance with the previous order’s Attachment G section V.C.1.c.3.
- [5] This total coliform limitation was expressed as the median of at least five samples collected within a calendar month.
- [6] This total coliform limitation was expressed as a single-sample maximum.
- [7] The Discharger violated the single-sample maximum effluent limitation once during the previous order term; the highest monthly median was 20 MPN/100 mL.
- [8] This enterococcus limitation was expressed as a 30-day geometric mean.
- [9] Lowest percent survival.

D. Compliance Summary

1. Treatment Plant. The Discharger violated its numeric effluent limitations six times from June 2012 through February 2017:

Table F-3. Effluent Limitation Violations

| Violation Date | Parameter | Units | Effluent Limit | Reported Value |
|----------------|---|------------|-------------------|---------------------|
| 4/19/2013 | Total Coliform, Single-Sample Maximum | MPN/100 mL | 10,000 | ≥16,000 |
| 12/7/2016 | Total Residual Chlorine, Instantaneous Maximum | mg/L | 0.0 | 7.6 ^[1] |
| 12/9/2016 | Total Residual Chlorine, Instantaneous Maximum | mg/L | 0.0 | 0.32 ^[1] |
| 12/13/2016 | Acute Toxicity, 11-Sample 90 th Percentile | % survival | Not less than 70% | 60% |
| 1/11/2017 | Total Residual Chlorine, Instantaneous Maximum | mg/L | 0.0 | 0.65 ^[1] |
| 1/11/2017 | Acute Toxicity, 11-Sample 90 th Percentile | % survival | Not less than 70% | 0% |

Abbreviations:

mg/L = milligrams per liter
MPN/100 mL = most probable number per 100 milliliters
% = percent
% survival = percent survival

Footnote:

- [1] Highest grab sample result for the day. The instantaneous maximum effluent limitation was the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot was independently compared to the limit).

The December 7, 2016, total residual chlorine effluent limitation violation occurred due to a failure of the internal thermostat control card in the sodium bisulfite tank heating system. The Discharger initiated a manual sodium bisulfite feed system until the heating system could be repaired on December 10, 2016. The December 9, 2016, total residual chlorine effluent limitation violation occurred due to a failure of the interim manual sodium bisulfite feed system. The January 11, 2017, total residual chlorine effluent limitation violation occurred due to a bad wire connection in the chemical feed system caused during routine equipment

repair. The three total residual chlorine effluent limitation violations are subject to mandatory minimum penalties.

The previous order specified that the discharge was not to contain chronic toxicity at a level that would cause or contribute to toxicity in the receiving water. From October 2012 through February 2017, the Discharger observed chronic toxicity in 67 percent of chronic toxicity tests (12 out of 18). The highest result was 61 TU_c in August 2016. The Discharger did not identify the source of the toxicity. This Order contains a numeric chronic toxicity effluent limitation.

- 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 system, and comparisons to systems in the San Francisco Bay Region. The Discharger’s SSO rate is double the median of all San Francisco Bay Region collection systems and similar to other medium-sized collection systems. The average age of the Discharger’s collection system, 68 years, is greater than many other collection systems throughout the region. SSOs that reach waters of the United States may violate Prohibition III.E of this Order.

Table F-4. Collection System and SSO Rates (SSO/100 miles)
(Values based on CIWQS data analysis completed in June 2016) ^[1]

| | Length (miles) | Average Age of Pipe (years) | Total SSO Rate | | | |
|--|----------------|-----------------------------|----------------|------|------|------|
| | | | 2012 | 2013 | 2014 | 2015 |
| Discharger | 27 | 68 | 22 | 15 | 15 | 7.4 |
| Contra Costa County median of 7 medium systems (10-99 miles) | 51 | 41 | 8.7 | 10.5 | 5.6 | 3.9 |
| San Francisco Bay Region median of 52 medium systems (10-99 miles) | 34 | 42 | 13 | 12 | 7.7 | 8.6 |
| San Francisco Bay Region median of all 133 systems | 46 | 44 | 5.2 | 5.2 | 6.3 | 3.7 |

Footnote:

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

The Discharger has a 20-year capital improvement program (*Comprehensive Wastewater Master Plan*, June 2013) that includes a sewer replacement program to address sewer lines with high numbers of defects and the greatest risk of SSOs. Approximately 12,500 linear feet of sewer lines were replaced before the 2016-17 wet season, and at least 9,400 linear feet of sewer lines are expected to be replaced by the end of 2018. The Discharger is in the design and planning stages for additional sewer line replacement projects.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

A. Legal Authorities

This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260) for discharges to land and/or waters of the State. This Order is also issued pursuant to Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA, and Water Code chapter 5.5, division 7 (commencing with § 13370). It shall serve as an NPDES permit 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. 40, § 15301).

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 San Pablo Bay, total dissolved solids exceed 3,000 mg/L; therefore, San Pablo Bay meets an exception to State Water Board Resolution No. 88-63. The table below lists beneficial uses applicable to San Pablo Bay:

Table F-5. Beneficial Uses

| Discharge Point | Receiving Water Name | Beneficial Uses |
|-----------------|----------------------|---|
| 001 | San Pablo Bay | Industrial Service Supply (IND) Ocean, Commercial, and Sport Fishing (COMM) Estuarine Habitat (EST) Fish Migration (MIGR) Preservation of Rare and Endangered Species (RARE) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD) Water Contact Recreation (REC-1) Non-Contact Water Recreation (REC-2) 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 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 Antidegradation.)
6. **Anti-Backsliding Requirements.** CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. (See Fact Sheet section IV.D.1 Anti-Backsliding.)
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 the beneficial uses of waters of the State, including protecting rare, threatened, or endangered species. The Discharger is responsible for meeting all applicable 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

On July 30, 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.

San Pablo Bay is 303(d) listed as impaired by mercury, PCBs, dioxin-like PCBs, selenium, chlordane, DDT, dieldrin, dioxin compounds, furan compounds, and invasive species. On February 12, 2008, U.S. EPA approved a TMDL for mercury in San Francisco Bay. On March 29, 2010, U.S. EPA approved a TMDL for PCBs in San Francisco Bay. The mercury and PCBs TMDLs apply to this discharge and are implemented through NPDES Permit No. CA0038849. On August 23, 2016, U.S. EPA approved a TMDL for selenium in North San Francisco Bay, which includes San Pablo Bay. The selenium TMDL does not require effluent limits for municipal wastewater dischargers because these discharges have an insignificant effect on North Bay water quality.

As shown in Fact Sheet section IV.C.3, the discharge is not a significant source of chlordane, DDT, or 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. It is an insignificant source of dioxins and furans; this Order contains dioxin-TEQ effluent limitations to ensure that dioxins and furans in effluent are kept below water quality objectives.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

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

A. Discharge Prohibitions

- 1. Discharge Prohibition III.A (No discharge at location or in manner different than described in this Order):** This prohibition is based on 40 C.F.R. section 122.21(a) and Water Code section 13260, which require filing an application and Report of Waste Discharge before a discharge can occur. Discharges not described in the application and Report of Waste Discharge, and subsequently in this Order, are prohibited.

2. **Discharge Prohibition III.B (No discharge without initial dilution of at least 75:1 as modeled):** The water quality-based effluent limitations in this Order are based on the mixing zones and dilution credits explained in Fact Sheet section IV.C.4.b. This Order’s chronic toxicity effluent limitations are based on an estimated initial dilution of 75:1, which corresponds to all diffuser ports working and the projected peak four-day average flow of 14 MGD. This prohibition is necessary to ensure that this Order’s effluent limitations remain protective of water quality.
3. **Discharge Prohibition III.C (No bypass to waters of United States):** This prohibition is based on 40 C.F.R. section 122.41(m) (see Attachment D section I.G).
4. **Discharge Prohibition III.D (No average dry weather flow in excess of 1.14 MGD):** This Order prohibits average dry weather influent flows greater than the plant’s design average dry weather treatment capacity (i.e., its historical and tested treatment reliability) of 1.14 MGD. Exceeding this flow could result in lower treatment reliability and greater potential to violate water quality requirements.
5. **Discharge Prohibition III.E (No sanitary sewer overflows to waters of the United States):** Basin Plan Table 4-1, Discharge Prohibition 15, and the CWA prohibit the discharge of wastewater to surface waters, except as authorized under an NPDES permit. POTWs must achieve secondary treatment at a minimum and any more stringent limitations necessary to meet water quality standards (33 U.S.C. § 1311(b)(1)(B) and (C)). A sanitary sewer overflow that results in the discharge of raw sewage or wastewater not meeting this Order’s effluent limitations to waters of the United States is therefore prohibited under the Basin Plan and the CWA.

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. In addition, the 30-day average percent removal for BOD₅ (or carbonaceous biochemical oxygen demand, CBOD₅) and TSS, by concentration, is not to be less than 85 percent. The Basin Plan contains additional requirements for certain pollutants.

Table F-6. Secondary Treatment Standards

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

Abbreviation:

mg/L = milligrams per liter

Footnotes:

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

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

2. Effluent Limitations

- a. **CBOD₅ and TSS.** The weekly and average monthly 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. **Chlorine Residual.** 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 based on the fact that continuous instruments occasionally have anomalous spikes, and it is chemically improbable to have free chlorine 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.
- e. **Total Coliform Bacteria.** The total coliform bacteria effluent limitations are based on Basin Plan Table 4-2A, which requires these limitations for discharges to receiving waters with the shellfish harvesting beneficial use.
- f. **Enterococcus Bacteria.** The enterococcus effluent limitation is based on Basin Plan Table 4-2A, which requires this limitation for discharges to receiving waters with the water contact recreation beneficial use.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

This Order contains WQBELs that protect beneficial uses. CWA section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than federal technology-based requirements where necessary to achieve applicable water quality standards. According to 40 C.F.R. section 122.44(d)(1)(i), permits must include effluent limitations for all pollutants that are or may be discharged at levels that have a reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective, WQBELs must be established using (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting a narrative criterion, supplemented with relevant information (40 C.F.R. § 122.44 (d)(1)(vi)). The process for determining reasonable potential and calculating WQBELs is intended to achieve applicable water quality objectives and criteria, and to protect designated uses of receiving waters as specified in the Basin Plan.

2. Beneficial Uses and Water Quality Criteria and Objectives

Discharge Point No. 001 discharges to San Pablo Bay. Fact Sheet section III.C.1 identifies the beneficial uses of San Pablo 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, including 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 an annual median and 0.16 mg/L as a maximum for Central San Francisco Bay and upstream. Effluent and receiving water data are available for total ammonia, but not un-ionized ammonia, because (1) sampling and laboratory methods are unavailable to analyze for un-ionized ammonia, and (2) the fraction of total ammonia that exists in the toxic un-ionized form depends on pH, salinity, and temperature of the receiving water.

To translate the un-ionized ammonia objectives into total ammonia criteria, pH, salinity, and temperature data collected through the Regional Monitoring Program (RMP) at the Davis Point sampling station (BD40) between 1993 and 2001 were used. The un-ionized fraction of the total ammonia was calculated using the following equations:

$$\text{For salinity} < 1 \text{ ppt: fraction of NH}_3 = \frac{1}{1 + 10^{(pK - pH)}}$$

Where:

$$pK = 0.09018 + 2729.92/T$$

$T = \text{temperature in Kelvin}$

$$\text{For salinity} > 10 \text{ ppt: fraction of NH}_3 = \frac{1}{1 + 10^{(pK - pH)}}$$

Where:

$$pK = 9.245 + 0.116*(I) + 0.0324*(298 - T) + 0.0415*(P)/T$$

$I = \text{the molal ionic strength of saltwater} = 19.9273*(S)/(1000 - 1.005109*S)$
 $S = \text{salinity (parts per thousand)}$
 $T = \text{temperature in Kelvin}$
 $P = \text{pressure (one atmosphere)}$

The appropriate equation was used depending on whether the salinity was less than 1 ppt or greater than 10 ppt. For waters of intermediate salinity, the equation resulting in a higher un-ionized ammonia fraction was used.

The 90th 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 criteria (U.S. EPA, 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 4.6 mg/L and 1.5 mg/L (as nitrogen).

- ii. Dioxin-TEQ.** The narrative bioaccumulation 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 San Pablo 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-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD). Although the 1998 World Health Organization scheme includes TEFs for dioxin-like PCBs, they are not included in this Order’s TEQ scheme. The CTR has established a specific water quality criterion for PCBs, and dioxin-like PCBs are included in the analysis of total PCBs.

The CTR establishes a numeric water quality objective for 2,3,7,8-TCDD of 1.4×10^{-8} µg/L for the protection of human health when aquatic organisms are consumed. 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_c). At 1.0 TU_c, there is no observable detrimental effect when the indicator organism is exposed to 100 percent effluent; therefore, 1.0 TU_c is a direct translation of the narrative objective into a number. Moreover, in 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_c 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 San Pablo 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. The NTR criteria apply to San Pablo Bay.
- d. Sediment Quality Objectives.** The *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* contains the following 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.

San Pablo Bay is estuarine based on salinity data collected through the RMP at the Davis Point sampling station (BD40) between March 1993 and August 2001. During that

period, the average salinity was 13 ppt, with a range from 0.60 to 30 ppt. Because the salinity was less than 1 ppt in 8 percent of the samples, and was greater than 10 ppt in 50 percent of the samples, the reasonable potential analysis and effluent limitations in this Order are based on the more stringent of the freshwater and saltwater water quality objectives.

- f. Receiving Water Hardness.** Ambient hardness data were used to calculate freshwater water quality objectives that are hardness dependent. A hardness value of 48 mg/L as calcium carbonate was used to determine those objectives. This is the lowest hardness value observed at the Davis Point RMP station (BD40) from April 1995 through August 2001.
- g. Site-Specific Metals Translators.** Effluent limitations for metals must be expressed as total recoverable metal (40 C.F.R. § 122.45(c)). Since the water quality objectives for metals are typically expressed as dissolved 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. The Discharger’s *Analysis of Site-Specific Zinc Translators* (January 4, 2012) contains site-specific zinc translators. These translators are listed in the table below:

Table F-7. Site-Specific Translators

| Parameter | Site Specific Translators | |
|-----------|---------------------------|---------|
| | Acute | Chronic |
| Copper | 0.66 | 0.38 |
| Nickel | 0.57 | 0.27 |
| Zinc | 0.25 | 0.08 |

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

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

- a. Available Information.** The reasonable potential analysis for this Order is based on effluent monitoring data the Discharger collected from June 2012 through February 2017 and ambient background data collected through the RMP at the Yerba Buena sampling station (BC10) between 1993 and 2015, 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.

For ammonia, the Davis Point RMP monitoring station (BD40), relative to other RMP stations, fits SIP guidance for establishing background conditions because it is closer to Discharge Point No. 001. SIP section 1.4.3 requires that background water quality data be representative of the ambient receiving water that will mix with the discharge. Because the ammonia WQBELs are based on actual dilution at the edge of the mixing zone (see Fact Sheet section IV.C.4.b.iii), data from the Davis Point RMP station best represents the water at the edge of the initial mixing zone.

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. 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. Ammonia, cyanide, chlorodibromomethane, and dioxin-TEQ exhibit reasonable potential. In addition, Basin Plan sections 7.2.1.2 and 4.7.2.2 require copper and cyanide WQBELs for all individual NPDES permits for municipal wastewater treatment facilities that discharge to San Francisco Bay.

Table F-8. Reasonable Potential Analysis

| CTR No. | Priority Pollutants | C or Governing criterion or objective (µg/L) | MEC or Minimum DL (µg/L) ^{[1][2]} | B or Minimum DL (µg/L) ^{[1][2]} | RPA Results ^[3] |
|-----------|-----------------------------|--|--|--|----------------------------|
| 1 | Antimony | 4,300 | 0.39 | 1.8 | No |
| 2 | Arsenic | 36 | 2.1 | 2.5 | No |
| 3 | Beryllium | No Criteria | <0.060 | 0.22 | U |
| 4 | Cadmium | 1.4 | <0.050 | 0.13 | No |
| 5a | Chromium (III) | 110 | 0.63 | 4.4 | No |
| 5b | Chromium (VI) | 11 | 6.0 | 4.4 | No |
| 6 | Copper | 14 | 12 | 2.5 | Yes |
| 7 | Lead | 1.2 | 0.43 | 0.80 | No |
| 8 | Mercury ^[4] | --- | --- | --- | --- |
| 9 | Nickel | 30 | 2.7 | 3.7 | No |
| 10 | Selenium ^[4] | --- | --- | --- | --- |
| 11 | Silver | 1.1 | 0.20 | 0.052 | No |
| 12 | Thallium | 6.3 | <0.050 | 0.21 | No |
| 13 | Zinc | 250 | 61 | 5.1 | No |
| 14 | Cyanide | 2.9 | 16 | <0.40 | Yes |
| 15 | Asbestos ^[5] | --- | --- | --- | --- |
| 16 | 2,3,7,8-TCDD | 1.4E-08 | <1.4E-07 | 8.2E-09 | No |
| | Dioxin-TEQ | 1.4E-08 | 6.1E-12 | 5.3E-08 | Yes |
| 17 | Acrolein | 780 | <1.7 | <0.50 | No |
| 18 | Acrylonitrile | 0.66 | <0.69 | 0.030 | No |
| 19 | Benzene | 71 | <0.18 | <0.050 | No |
| 20 | Bromoform | 360 | 27 | <0.50 | No |
| 21 | Carbon Tetrachloride | 4.4 | <0.16 | 0.060 | No |
| 22 | Chlorobenzene | 21,000 | <0.18 | <0.50 | No |
| 23 | Chlorodibromomethane | 34 | 59 | <0.050 | Yes |
| 24 | Chloroethane | No Criteria | 0.40 | <0.50 | U |
| 25 | 2-Chloroethylvinyl ether | No Criteria | <0.28 | <0.50 | U |
| 26 | Chloroform | No Criteria | 33 | <0.50 | U |
| 27 | Dichlorobromomethane | 46 | 42 | <0.050 | No |
| 28 | 1,1-Dichloroethane | No Criteria | <0.19 | <0.050 | U |
| 29 | 1,2-Dichloroethane | 99 | <0.18 | 0.040 | No |
| 30 | 1,1-Dichloroethylene | 3.2 | <0.21 | <0.50 | No |
| 31 | 1,2-Dichloropropane | 39 | <0.18 | <0.050 | No |
| 32 | 1,3-Dichloropropylene | 1,700 | <0.16 | <0.50 | No |
| 33 | Ethylbenzene | 29,000 | <0.26 | <0.50 | No |
| 34 | Methyl Bromide | 4,000 | <0.17 | <0.50 | No |
| 35 | Methyl Chloride | No Criteria | 0.50 | <0.50 | U |
| 36 | Methylene Chloride | 1,600 | 2.3 | 22 | No |
| 37 | 1,1,2,2-Tetrachloroethane | 11 | <0.10 | <0.050 | No |
| 38 | Tetrachloroethylene | 8.9 | <0.19 | <0.050 | No |
| 39 | Toluene | 200,000 | 8.4 | <0.30 | No |

| CTR No. | Priority Pollutants | C or Governing criterion or objective (µg/L) | MEC or Minimum DL (µg/L) ^{[1][2]} | B or Minimum DL (µg/L) ^{[1][2]} | RPA Results ^[3] |
|---------|-----------------------------|--|--|--|----------------------------|
| 40 | 1,2-Trans-Dichloroethylene | 140,000 | <0.22 | <0.50 | No |
| 41 | 1,1,1-Trichloroethane | No Criteria | <0.19 | <0.50 | U |
| 42 | 1,1,2-Trichloroethane | 42 | <0.16 | <0.050 | No |
| 43 | Trichloroethylene | 81 | <0.20 | <0.50 | No |
| 44 | Vinyl Chloride | 530 | <0.25 | <0.50 | No |
| 45 | 2-Chlorophenol | 400 | <0.70 | <1.2 | No |
| 46 | 2,4-Dichlorophenol | 790 | <0.90 | <1.3 | No |
| 47 | 2,4-Dimethylphenol | 2,300 | <0.80 | <1.3 | No |
| 48 | 2-Methyl- 4,6-Dinitrophenol | 770 | <0.60 | <1.2 | No |
| 49 | 2,4-Dinitrophenol | 14,000 | <0.83 | <0.70 | No |
| 50 | 2-Nitrophenol | No Criteria | <0.80 | <1.3 | U |
| 51 | 4-Nitrophenol | No Criteria | <0.50 | <1.6 | U |
| 52 | 3-Methyl 4-Chlorophenol | No Criteria | <0.80 | <1.1 | U |
| 53 | Pentachlorophenol | 7.4 | <0.60 | <1.0 | No |
| 54 | Phenol | 4,600,000 | <0.50 | <1.3 | No |
| 55 | 2,4,6-Trichlorophenol | 6.5 | <0.97 | <1.3 | No |
| 56 | Acenaphthene | 2,700 | <0.010 | 0.0019 | No |
| 57 | Acenaphthylene | No Criteria | <0.020 | 0.0013 | U |
| 58 | Anthracene | 110,000 | <0.010 | 0.00059 | No |
| 59 | Benzidine | 0.00054 | <5.0 | <0.0015 | U |
| 60 | Benzo(a)Anthracene | 0.049 | <0.020 | 0.0053 | No |
| 61 | Benzo(a)Pyrene | 0.049 | <0.010 | 0.0033 | No |
| 62 | Benzo(b)Fluoranthene | 0.049 | <0.010 | 0.0046 | No |
| 63 | Benzo(ghi)Perylene | No Criteria | <0.020 | 0.0045 | U |
| 64 | Benzo(k)Fluoranthene | 0.049 | <0.010 | 0.0018 | No |
| 65 | Bis(2-Chloroethoxy)Methane | No Criteria | <0.90 | <0.30 | U |
| 66 | Bis(2-Chloroethyl)Ether | 1.4 | <0.70 | <0.00015 | No |
| 67 | Bis(2-Chloroisopropyl)Ether | 170,000 | <0.60 | Unavailable | No |
| 68 | Bis(2-Ethylhexyl)Phthalate | 5.9 | 1.0 | <0.70 | No |
| 69 | 4-Bromophenyl Phenyl Ether | No Criteria | <0.70 | <0.23 | U |
| 70 | Butylbenzyl Phthalate | 5,200 | <0.70 | 0.0056 | No |
| 71 | 2-Chloronaphthalene | 4,300 | <0.90 | <0.30 | No |
| 72 | 4-Chlorophenyl Phenyl Ether | No Criteria | <0.90 | <0.30 | U |
| 73 | Chrysene | 0.049 | <0.010 | 0.0028 | No |
| 74 | Dibenzo(a,h)Anthracene | 0.049 | <0.020 | 0.00064 | No |
| 75 | 1,2-Dichlorobenzene | 17,000 | <0.27 | <0.30 | No |
| 76 | 1,3-Dichlorobenzene | 2,600 | <0.18 | <0.30 | No |
| 77 | 1,4-Dichlorobenzene | 2,600 | <0.18 | <0.30 | No |
| 78 | 3,3 Dichlorobenzidine | 0.077 | <5.0 | <0.0010 | No |
| 79 | Diethyl Phthalate | 120,000 | <0.70 | <0.21 | No |
| 80 | Dimethyl Phthalate | 2,900,000 | <0.90 | <0.21 | No |
| 81 | Di-n-Butyl Phthalate | 12,000 | <0.60 | 0.016 | No |
| 82 | 2,4-Dinitrotoluene | 9.1 | <0.70 | <0.27 | No |

| CTR No. | Priority Pollutants | C or Governing criterion or objective (µg/L) | MEC or Minimum DL (µg/L) ^{[1][2]} | B or Minimum DL (µg/L) ^{[1][2]} | RPA Results ^[3] |
|---------|----------------------------|--|--|--|----------------------------|
| 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 | 0.040 | 0.011 | No |
| 87 | Fluorene | 14,000 | <0.010 | 0.0021 | No |
| 88 | Hexachlorobenzene | 0.00077 | <0.70 | 0.000022 | No |
| 89 | Hexachlorobutadiene | 50 | <0.60 | <0.30 | No |
| 90 | Hexachlorocyclopentadiene | 17,000 | <0.70 | <0.30 | No |
| 91 | Hexachloroethane | 8.9 | <0.60 | <0.20 | No |
| 92 | Indeno(1,2,3-cd)Pyrene | 0.049 | <0.020 | 0.0040 | No |
| 93 | Isophorone | 600 | <0.93 | <0.30 | No |
| 94 | Naphthalene | No Criteria | <0.020 | 0.013 | U |
| 95 | Nitrobenzene | 1,900 | <0.90 | <0.25 | No |
| 96 | N-Nitrosodimethylamine | 8.1 | <0.50 | <0.30 | No |
| 97 | N-Nitrosodi-n-Propylamine | 1.4 | <0.80 | <0.0010 | No |
| 98 | N-Nitrosodiphenylamine | 16 | <0.50 | <0.0010 | No |
| 99 | Phenanthrene | No Criteria | <0.010 | 0.0095 | U |
| 100 | Pyrene | 11,000 | <0.020 | 0.019 | No |
| 101 | 1,2,4-Trichlorobenzene | No Criteria | <0.60 | <0.30 | U |
| 102 | Aldrin | 0.00014 | <0.0040 | 0.0000028 | No |
| 103 | Alpha-BHC | 0.013 | <0.0050 | 0.00050 | No |
| 104 | Beta-BHC | 0.046 | <0.0040 | 0.00041 | No |
| 105 | Gamma-BHC | 0.063 | <0.0040 | 0.00070 | No |
| 106 | Delta-BHC | No Criteria | <0.0040 | 0.000053 | U |
| 107 | Chlordane | 0.00059 | <0.0050 | 0.00018 | No |
| 108 | 4,4'-DDT | 0.00059 | <0.0040 | 0.00017 | No |
| 109 | 4,4'-DDE | 0.00059 | <0.0030 | 0.00069 | No |
| 110 | 4,4'-DDD | 0.00084 | <0.0040 | 0.00031 | No |
| 111 | Dieldrin | 0.00014 | <0.0040 | 0.00026 | No |
| 112 | Alpha-Endosulfan | 0.0087 | <0.0040 | 0.000031 | No |
| 113 | Beta-Endosulfan | 0.0087 | <0.0050 | 0.000069 | No |
| 114 | Endosulfan Sulfate | 240 | <0.0050 | 0.000082 | No |
| 115 | Endrin | 0.0023 | <0.0050 | 0.000040 | No |
| 116 | Endrin Aldehyde | 0.81 | <0.0050 | Unavailable | U |
| 117 | Heptachlor | 0.00021 | <0.0050 | 0.000019 | No |
| 118 | Heptachlor Epoxide | 0.00011 | <0.0040 | 0.000094 | No |
| 119-125 | PCBs sum ^[4] | --- | --- | --- | --- |
| 126 | Toxaphene | 0.0002 | <0.20 | Unavailable | U |
| | Ammonia, Total as N | 1,500 | 15,000 | 180 | Yes |

Abbreviations:

- B = background concentration
C = water quality criterion or objective
DL = detection level
MEC = maximum effluent concentration
µg/L = micrograms per liter
RPA = reasonable potential analysis

Footnotes:

- [1] The MEC 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 MEC or ambient background concentration is “Unavailable” when there are no monitoring data for the constituent.
- [3] RPA Results = Yes, if $MEC \geq WQC$, $B > WQC$ and MEC is detected, or Trigger 3
= No, if MEC and B are $< WQC$ or all effluent data are undetected
= Unknown (U) if no criteria have been promulgated or data are insufficient.
- [4] SIP section 1.3 excludes from its reasonable potential analysis procedure priority pollutants for which a TMDL has been developed. TMDLs have been developed for mercury and PCBs in San Francisco Bay. Mercury and PCBs from wastewater discharges are regulated by NPDES Permit No. CA0038849, which implements the San Francisco Bay Mercury and PCBs TMDLs. A TMDL has also been developed for selenium in North San Francisco Bay, which includes San Pablo Bay. Basin Plan section 7.2.4.5 finds that municipal wastewater dischargers have no reasonable potential to cause or contribute to the selenium impairment in San Francisco Bay segments and, therefore, are not required to have numeric effluent limitations.
- [5] Asbestos sampling is only required for discharges to waters with the municipal or domestic supply (MUN) beneficial use.

c. Acute Toxicity

Basin Plan section 4.5.5.3.1 requires acute toxicity monitoring and limitations, implying there is reasonable potential for the discharge to cause or contribute to exceedances of the acute toxicity water quality objective.

d. Chronic Toxicity

i. Methodology. Chronic toxicity is not a priority pollutant as defined by the CTR; therefore, the procedure outlined in the Technical Support Document may be used to determine if chronic toxicity in the discharge has a reasonable potential to cause water quality objectives to be exceeded in the receiving water. The Technical Support Document allows the use of receiving water concentrations projected from effluent data to perform reasonable potential analyses. The following summarizes the steps using effluent data:

- Step 1. Determine the number of total observations (n) for a set of effluent data and determine the highest value from that data set (the maximum effluent concentration or MEC).
- Step 2. Determine the coefficient of variation (CV) from the data set. For a data set where $n < 10$, the coefficient of variation is estimated to equal 0.6. For a data set where $n \geq 10$, the coefficient of variation is calculated as the standard deviation divided by the mean.
- Step 3. Determine an appropriate ratio, R, for projecting a selected upper-bound concentration (e.g., the 99th or 95th percentile) assuming a lognormal distribution. To do this, the percentile represented by the MEC in a data set of “n” samples, p_n , needs to be determined based on the desired confidence interval, e.g., 95% or 99%. The 95% confidence interval was used for evaluating reasonable potential for chronic toxicity for this Order.

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

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

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

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

The ratio, R , is then calculated as follows:

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

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

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

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

- ii. Dilution.** The Technical Support Document allows for a mixing zone and dilution credit to be considered when conducting a reasonable potential analysis. This Order establishes a mixing zone corresponding to a dilution credit of 75:1 ($D = 74$) for chronic toxicity as explained in Fact Sheet section IV.C.4.b.iv, below.
- iii. Analysis.** The previous order required chronic toxicity monitoring twice per year using the water flea (*Ceriodaphnia dubia*). During the previous order term (June 2012 through February 2017), the Discharger observed chronic toxicity in 67 percent of chronic toxicity tests (12 out of 18). The MEC was 61 TU_c ; however, the chronic toxicity may have been higher in April 2015 ($>40 TU_c$). The confidence interval was set at 99 percent. The percentile represented by the MEC (P_n) was calculated to be 0.85, indicating that the MEC represents the 85th percentile of all observed chronic toxicity effluent data. With the upper bound set at the 99th percentile, the R value was determined to be 3.3 (C_{p_n} was 1.7 and $C_{\text{upper bound}}$ was 5.5), and the projected toxicity at the edge of the mixing zone (2.7 TU_c) is greater than the translated chronic toxicity objective (1.0 TU_c). Therefore, there is reasonable potential for the discharge to cause or contribute to exceedances of the chronic toxicity water quality objective.
- iv. Discussion.** Numeric WQBELs for chronic toxicity are necessary and appropriate because the chemical-specific WQBELs and narrative chronic toxicity WQBEL (with triggers for prescriptive accelerated monitoring and toxicity reduction evaluation) in the previous order were insufficient to attain and maintain the narrative chronic toxicity water quality objective, as evidenced by the observed chronic toxicity in the discharge during the previous order term. Numeric WQBELs are consistent with the intent of the federal regulations requiring whole effluent toxicity effluent limitations

at 40 C.F.R. section 122.44(d). As set forth in the preamble to these regulations, “A limit on whole effluent toxicity refers to a numeric effluent limitation expressed in terms such as toxic units, no observed effect level (NOEL), LC₅₀, or percent mortality.” (54 Fed. Reg. 23871.) Numeric toxicity WQBELs are an efficient and effective regulatory tool because the measurement of compliance is clearly defined.

State Water Board Order Nos. WQ 2003-0012 and 2003-0013 do not preclude the Regional Water Board from imposing numeric effluent limitations for chronic toxicity. In those orders, the State Water Board questioned the propriety of numeric chronic toxicity effluent limitations in NPDES permits for POTWs that discharge into inland waters and decided to address the issue by modifying the SIP within one year. It expressly declined to determine the propriety of final numeric effluent limitations for chronic toxicity for the permits under review (Order No. WQ 2003-0012, p. 9). Pending SIP modification, it replaced the numeric toxicity effluent limitations of the specific permits under review with narrative ones similar to those in the previous order. About 14 years have passed and the State Water Board has not modified the SIP. Meanwhile, notwithstanding the narrative chronic toxicity effluent limitations, discharges that do not ensure compliance with the narrative toxicity water quality objective continue. Based on these developments and differing facts since adoption of the State Water Board orders, the Regional Water Board exercises its own discretion and finds that numeric chronic toxicity WQBELs are necessary and appropriate at this time and that they are consistent with federal regulations as they apply to whole effluent toxicity. Moreover, under similar circumstances, U.S. EPA indicated its intent to object to reissuance of the Las Gallinas Valley Sanitary District permit (Permit No. CA0037851) if that permit did not contain WQBELs as stringent as necessary to meet water quality standards, including numeric WQBELs as needed (Jane Diamond, U.S. EPA, January 15, 2015). U.S. EPA submitted letters in support of numeric WQBELs calculated using the same methodology during the public comment periods for the Las Gallinas Valley Sanitary District permit (Permit No. CA0037851) on March 5, 2015, and for the City of Pacifica permit (Permit No. CA0038776) on February 27, 2017.

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. Water Quality-Based Effluent Limitations (WQBELs)

WQBELs were developed for the pollutants or pollutant parameters determined to have reasonable potential to cause or contribute to exceedances of water quality objectives. With the exception of acute toxicity (discussed below), the WQBELs in this Order are based on the procedures in SIP section 1.4. Average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs) were calculated as shown in Table F-10, below.

- a. **WQBEL Expression.** NPDES regulations at 40 C.F.R. section 122.45(d) require that permit limits for POTWs be expressed as average weekly and average monthly limits, unless impracticable. This Order contains MDELs instead of weekly limits because MDELs better protect against acute toxic effects and are necessary to prevent fish kills or mortality to aquatic organisms. Weekly limits could allow acute and chronic toxicity to occur over shorter periods (acute and chronic aquatic life criteria are typically expressed as one-hour and four-day averages).

Daily WQBELs are appropriate for toxic pollutants and pollutant parameters, including chronic toxicity. In Technical Support Document section 5.2.3 and *EPA Regions 8, 9 and 10 Toxicity Training Tool* (January 2010), U.S. EPA acknowledges that NPDES regulations at 40 C.F.R. section 122.45(d) require weekly limits for POTWs but indicates that weekly limits are inappropriate for toxic pollutants and pollutant parameters, including chronic toxicity, in water quality permitting. U.S. EPA expressly recommends establishing MDELs in lieu of weekly limits for these constituents. According to U.S. EPA, the requirement for weekly limits is based on the secondary treatment requirements, which are unrelated to water quality, and weekly limits could allow peak toxic concentrations to be averaged out and missed. Since chronic toxicity tests may take several days to complete, Table 4 of the Order contains a footnote indicating that the maximum daily WQBEL is to be interpreted as the maximum test result for the month, as U.S. EPA recommends in Technical Support Document section 5.2.3 and *EPA Regions 8, 9 and 10 Toxicity Training Tool* (January 2010).

- b. **Mixing Zones and Dilution Credits.** SIP section 1.4.2 allows mixing zones and dilution credits under certain circumstances. The Discharger submitted a study titled *Technical Memorandum: Near-field Mixing Zone and Dilution Analysis for Chronic Toxicity Discharge Conditions and Current Diffuser Characteristics* (April 14, 2017). The study estimates minimum initial dilution at Discharge Point. No. 001 based on current conditions (i.e., two buried diffuser ports and existing flows) and future conditions (i.e., all diffuser ports working and projected flows):

Table F-9. Minimum Initial Dilution

| Flow Conditions ^[1] | Current Dilution ^[2] | Future Dilution ^[2] |
|--|---------------------------------|--------------------------------|
| Peak Daily Flow (current = 13 MGD; future = 17 MGD) | 43:1 | 33:1 |
| Peak Four-Day Average Flow (current = 9.0 MGD; future = 14 MGD) | 118:1 | 75:1 |
| Permitted Dry-Weather Average Flow (5.2 MGD) | 279:1 | 279:1 |

Footnotes:

^[1] The Discharger’s flow rates are combined with Pinole-Hercules Water Pollution Control Plant’s flow rates because the deep water outfall is shared.

^[2] These dilution ratios compare the total receiving water volume after mixing to the effluent volume within the total.

- i. Bioaccumulative Pollutants.** For certain bioaccumulative pollutants, dilution credit is significantly restricted or denied. Specifically, these pollutants include dioxin and furan compounds, which appear on the CWA section 303(d) list for San Pablo Bay because, based on available data on the concentrations of these pollutants in aquatic organisms, sediment, and the water column, they impair 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 303(d)-listed pollutants. Therefore, dilution credits are denied for bioaccumulative pollutants on the 303(d) list for which data are lacking on sources and significant uncertainty exists about how different sources contribute to bioaccumulation.

- ii. Non-Bioaccumulative Pollutants (except ammonia and chronic toxicity).** For non-bioaccumulative pollutants (except ammonia and chronic toxicity), 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, conservative estimates of actual initial dilution were used to calculate the effluent limitations. This is justified because ammonia, a non-persistent pollutant, quickly disperses and degrades to a non-toxic state, and cumulative toxicity is unlikely. This Order uses the 279:1 dilution ratio to calculate WQBELs based on the chronic water quality objective because that objective is an annual median; the dilution ratio associated with the permitted average dry-weather flow best represents long-term (chronic) conditions. This Order uses the 33:1 dilution ratio to calculate WQBELs based on the acute water quality objective because that objective is a maximum; the dilution associated with the future peak daily flow conservatively represents short-term (acute) conditions.

iv. Chronic Toxicity. For chronic toxicity, a conservative estimate of actual initial dilution was used to calculate the effluent limitations. This is justified because it is assumed that there is no ambient chronic toxicity. This Order uses the 75:1 dilution ratio to calculate chronic toxicity WQBELs because the translated criterion of 1.0 TU_c is expressed as a four-day average (see Fact Sheet section IV.C.2.a.iii); the dilution ratio associated with the future peak four-day average flow conservatively represents this condition.

c. WQBEL Calculations. The following table shows the WQBEL calculations. The copper, cyanide, and chlorodibromomethane WQBELs are calculated as required by SIP section 1.4. This same methodology is used as guidance to calculate the dioxin-TEQ, ammonia, and chronic toxicity WQBELs. U.S. EPA recommends that toxicity WQBELs be derived using a statistical approach (see Technical Support Document, section 5.4.2), and the SIP-based procedure is one such approach.

Table F-10. WQBEL Calculations

| Pollutant | Copper | Cyanide | Dioxin TEQ | Chloro-dibromo-methane | Total Ammonia (acute) | Total Ammonia (chronic) | Chronic Toxicity |
|--|------------------------------------|------------------------------------|------------|------------------------|-------------------------|-------------------------|----------------------|
| Units | µg/L | µg/L | µg/L | µg/L | mg/L as N | mg/L as N | TU _c |
| Basis and Criteria type | Basin Plan Site-Specific Objective | Basin Plan Site-Specific Objective | CTR HH | CTR HH | Basin Plan Aquatic Life | Basin Plan Aquatic Life | Basin Plan Narrative |
| Criteria -Acute | --- | --- | --- | --- | 4.6 | --- | --- |
| Criteria -Chronic | --- | --- | --- | --- | --- | 1.5 | 1.0 |
| Site-Specific Objective Criteria - Acute | 9.4 | 9.4 | --- | --- | --- | --- | --- |
| Site-Specific Objective Criteria - Chronic | 6.0 | 2.9 | --- | --- | --- | --- | --- |
| Water Effects ratio (WER) | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

| Pollutant | Copper | Cyanide | Dioxin TEQ | Chloro-dibromo-methane | Total Ammonia (acute) | Total Ammonia (chronic) | Chronic Toxicity |
|---|--------|-----------|------------|------------------------|-----------------------|-------------------------|------------------|
| Units | µg/L | µg/L | µg/L | µg/L | mg/L as N | mg/L as N | TU _c |
| Lowest WQO | 6.0 | 2.9 | 1.4E-08 | 34 | 4.6 | 1.5 | 1.0 |
| Site-Specific Translator – MDEL | 0.66 | --- | --- | --- | --- | --- | --- |
| Site-Specific Translator - AMEL | 0.38 | --- | --- | --- | --- | --- | --- |
| Dilution Factor (D) | 9 | 9 | 0 | 9 | 32 | 278 | 74 |
| No. of samples per month | 4 | 4 | 4 | 4 | 4 | 30 | 4 |
| Aquatic life criteria analysis required? (Y/N) | Y | Y | N | N | Y | Y | Y |
| HH criteria analysis required? (Y/N) | N | Y | Y | Y | N | N | N |
| | | | | | | | |
| Applicable Acute WQO | 14 | 9.4 | --- | --- | 4.6 | --- | --- |
| Applicable Chronic WQO | 16 | 2.9 | --- | --- | --- | 1.5 | 1.0 |
| HH criteria | --- | 220,000 | 1.4E-08 | 34 | --- | --- | --- |
| Background (Maximum Conc for Aquatic Life calc) | 2.5 | 0.40 | --- | --- | 0.18 | 0.095 | 0 |
| Background (Average Conc for Human Health calc) | --- | 0.40 | 5.3E-08 | <0.05 | --- | --- | --- |
| Is the pollutant on the 303d list and/or bioaccumulative (Y/N)? | N | N | Y | N | N | N | N |
| | | | | | | | |
| ECA acute | 120 | 90 | --- | --- | 150 | --- | --- |
| ECA chronic | 130 | 25 | --- | --- | --- | 380 | 75 |
| ECA HH | --- | 2,200,000 | 1.4E-08 | 340 | --- | --- | --- |
| | | | | | | | |
| No. of data points <10 or at least 80% of data reported non detect? (Y/N) | N | N | Y | Y | N | N | N |
| Avg of effluent data points | 4.3 | 7.3 | 1.7E-12 | 28 | 2.2 | 2.2 | 15 |
| Std Dev of effluent data points | 1.7 | 3.8 | 2.9E-12 | 15 | 2.2 | 2.2 | 19 |
| CV calculated | 0.40 | 0.53 | N/A | N/A | 0.99 | 0.99 | 1.2 |
| CV (Selected) – Final | 0.40 | 0.53 | 0.60 | 0.60 | 0.99 | 0.99 | 1.2 |
| | | | | | | | |
| ECA acute mult99 | 0.44 | 0.36 | --- | --- | 0.21 | 0.21 | --- |
| ECA chronic mult99 | 0.64 | 0.57 | --- | --- | 0.38 | 0.89 | 0.32 |
| LTA acute | 53 | 32 | --- | --- | 30 | --- | --- |
| LTA chronic | 87 | 14 | --- | --- | --- | 340 | 24 |
| minimum of LTAs | 53 | 14 | --- | --- | 30 | 340 | 24 |
| | | | | | | | |
| AMEL mult95 | 1.4 | 1.5 | 1.6 | 1.6 | 1.9 | 1.3 | 2.2 |
| MDEL mult99 | 2.3 | 2.8 | 3.1 | 3.1 | 4.9 | 4.9 | 5.8 |
| AMEL (aquatic life) | 71 | 21 | --- | --- | 59 | 440 | 51 |
| MDEL(aquatic life) | 120 | 40 | --- | --- | 150 | 1,600 | 140 |

| Pollutant | Copper | Cyanide | Dioxin TEQ | Chloro-dibromo-methane | Total Ammonia (acute) | Total Ammonia (chronic) | Chronic Toxicity |
|------------------------------------|------------|-----------|----------------|------------------------|-----------------------|-------------------------|------------------|
| Units | µg/L | µg/L | µg/L | µg/L | mg/L as N | mg/L as N | TU _c |
| MDEL/AMEL Multiplier | 1.7 | 1.9 | 2.0 | 2.0 | 2.5 | 3.7 | 2.7 |
| AMEL (human health) | --- | 2,200,000 | 1.4E-08 | 340 | --- | --- | --- |
| MDEL (human health) | --- | 4,100,000 | 2.8E-08 | 680 | --- | --- | --- |
| minimum of AMEL for Aq. life vs HH | 71 | 21 | 1.4E-08 | 340 | 59 | 440 | 51 |
| minimum of MDEL for Aq. Life vs HH | 120 | 40 | 2.8E-08 | 680 | 150 | 1,600 | 140 |
| Previous order limit - AMEL | 74 | 20 | 1.4E-08 | --- | 54 | 54 | narrative |
| Previous order limit - MDEL | 120 | 43 | 4.5E-08 | --- | 140 | 140 | narrative |
| Final limit - AMEL | 71 | 20 | 1.4E-08 | 340 | 54 | 54 | 51 |
| Final limit - MDEL | 120 | 40 | 2.8E-08 | 680 | 140 | 140 | 140 |

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

D. Discharge Requirement Considerations

- 1. Anti-backsliding.** This Order complies with the anti-backsliding provisions of CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(1), 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 68-16. It continues the status quo with respect to the level of discharge authorized in the previous order, which is the baseline by which to measure whether degradation will occur. This Order does not allow for a reduced level of treatment or increase effluent limitations relative to the previous order.
- 3. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and WQBELs for individual pollutants. The technology-based requirements implement minimum, applicable federal technology-based requirements. In addition, this Order contains more stringent effluent limitations as necessary to meet water quality standards. Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement CWA requirements.

This Order’s WQBELs have been derived to implement water quality objectives that protect beneficial uses. The beneficial uses and water quality objectives have been approved

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

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations in Provisions V.A and V.B of the Order are based on Basin Plan narrative and numeric water quality objectives. The receiving water limitation in Provision 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 into 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. **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.
- b. **Collection System Management.** The Discharger’s collection system is part of the Facility 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 Discharger submitted an inventory of potential copper sources on August 20, 2012, and subsequent annual pollution prevention reports. This Order requires the Discharger to implement pretreatment, source control, and pollution prevention for identified sources. The major source is corrosion of residential and commercial piping. Additional actions may be necessary depending on the three-year rolling mean copper concentration in San Pablo 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 18 µg/L. This concentration is 1.5 times the maximum cyanide concentration (12 µg/L) found in the treatment plant influent during the previous order term. Because the Discharger has observed no influent cyanide concentrations greater than 12 µg/L, if influent concentrations 1.5 times this level were observed, there could be a significant cyanide source.
- c. 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 waste discharge requirements 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 assumes that the facility has developed Standard Operating Procedures for proper handling, processing, tracking, and management.

- d. Outfall Diffuser Maintenance.** This Order’s ammonia and chronic toxicity WQBELs are based on the mixing zones and dilution credits explained in Fact Sheet section IV.C.4.b. The dilution modeling corresponds to all diffuser ports working and projected flow increases to the combined deepwater outfall from the Pinole-Hercules Water Pollution Control Plant. This provision is necessary to ensure that all diffuser ports are working by the time the flows to the deep water outfall are expected to increase (*Report of Waste Discharge for NPDES Permit Reissuance (NPDES No. CA0037796) – Pinole-Hercules Water Pollution Control Plant*, April 3, 2017).

VII. RATIONALE FOR MONITORING AND REPORTING PROGRAM (MRP)

Attachment E contains the MRP for this Order. It specifies sampling locations, 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. Monitoring Requirements Rationale

- 1. Influent Monitoring.** Influent flow monitoring is necessary to understand Facility operations and to evaluate compliance with Prohibition III.D, which prohibits average dry weather influent flow greater than 1.14 MGD. Influent CBOD₅ and TSS monitoring is necessary to evaluate compliance with this Order's 85 percent removal requirement. Basin Plan section 4.7.2.2 requires cyanide monitoring because this Order is based on site-specific cyanide water quality objectives.
- 2. Effluent Monitoring.** Effluent flow monitoring is necessary to understand Facility operations. Monitoring for other parameters is necessary to evaluate compliance with this Order's effluent limitations and to conduct future reasonable potential analyses.
- 3. Toxicity Testing.** Acute and chronic toxicity tests are necessary to evaluate compliance with this Order's effluent limitations and to conduct future reasonable potential analyses. Chronic toxicity tests are also necessary to evaluate whether chronic toxicity exceeds the trigger 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.

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) and there was no significant change in the nature of the effluent, the Discharger did not conduct a chronic toxicity screening phase study for this permit reissuance. The MRP specifies that the water flea (*Ceriodaphnia dubia*) is to be used for chronic toxicity testing.

- 4. Other Monitoring Requirements.** Pursuant to CWA section 308, U.S. EPA requires major and selected minor 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.

Table F-11. Monitoring Requirements Summary

| Parameter | Influent INF-001 ^[1] | Effluent EFF-001 (or EFF-001D) ^[1] | Receiving Water |
|------------------------------------|---------------------------------|---|-----------------|
| Flow | Continuous | Continuous | Support RMP |
| CBOD ₅ | 1/Week | 1/Week | |
| TSS | 1/Week | 1/Week | |
| Oil and Grease | --- | 1/Quarter | |
| pH | --- | Continuous | |
| Total Residual Chlorine | --- | Continuous | |
| Acute Toxicity | --- | 1/Month | |
| Chronic Toxicity | --- | 2/Year | |
| Total Coliform | --- | 1/Quarter | |
| Enterococcus Bacteria | --- | 3/Week | |
| Copper | --- | 1/Month | |
| Cyanide | 2/Year | 1/Month | |
| Chlorodibromomethane | --- | 2/Year | |
| Total Ammonia | --- | 1/Month | |
| Dioxin-TEQ | --- | 2/Year | |
| Standard Observations | --- | 1/Week | |
| Priority pollutants ^[2] | --- | 1/Year | |

Footnotes:

^[1] The MRP defines these sampling frequencies.

^[2] 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 *West County 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 Jessica Watkins.

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 August 4, 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: Wednesday, September 13, 2017
Time: 9:00 am
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612
Contact: Jessica Watkins, (510) 622-2349, jessica.watkins@waterboards.ca.gov.

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

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

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

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

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

- E. Information and Copying.** The Report of Waste Discharge, related supporting documents, and comments received are on file and may be inspected at the address above at any time between 8:00 a.m. and 5:00 p.m. (except noon to 1:00 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 Jessica Watkins, (510) 622-2349, jessica.watkins@waterboards.ca.gov.

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

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

For

NPDES WASTEWATER DISCHARGE PERMITS

March 2010

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

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

FOR

NPDES WASTEWATER DISCHARGE PERMITS

APPLICABILITY

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

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

I. STANDARD PROVISIONS - PERMIT COMPLIANCE

A. Duty to Comply – Not Supplemented

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

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

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

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

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

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

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

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

E. Property Rights – Not Supplemented

F. Inspection and Entry – Not Supplemented

G. Bypass – Not Supplemented

H. Upset – Not Supplemented

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

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

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

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

1. Storm Water Pollution Prevention Plan (SWPP Plan)

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

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

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

2. Source Identification

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

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

3. Storm Water Management Controls

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

a. Storm water pollution prevention personnel

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

b. Good housekeeping

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

c. Spill prevention and response

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

d. Source control

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

e. Storm water management practices

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

f. Sediment and erosion control

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

g. Employee training

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

h. Inspections

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

i. Records

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

4. Annual Verification of SWPP Plan

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

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

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

1. Exceptional quality biosolids meet the pollutant concentration limits in Table III of 40 CFR Part 503.13, Class A pathogen limits, and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8). Such biosolids do not have to be tracked further for compliance with general requirements (503.12) and management practices (503.14).
2. Biosolids used for agricultural land, forest, or reclamation shall meet the pollutant limits in Table I (ceiling concentrations) and Table II or Table III (cumulative loadings or pollutant concentration limits) of 503.13. They shall also meet the general requirements (503.12) and management practices (503.14) (if not exceptional quality biosolids) for Class A or Class B pathogen levels with associated access restrictions (503.32) and one of the 10 vector attraction reduction requirements in 503.33(b)(1)-(b)(10).
3. Biosolids used for lawn or home gardens must meet exceptional quality biosolids limits.
4. Biosolids sold or given away in a bag or other container must meet the pollutant limits in either Table III or Table IV (pollutant concentration limits or annual pollutant loading rate limits) of 503.13. If Table IV is used, a label or information sheet must be attached to the biosolids packing that explains Table IV (see 503.14). The biosolids must also meet the Class A pathogen limits and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8).

II. STANDARD PROVISIONS – PERMIT ACTION – Not Supplemented

III. STANDARD PROVISIONS – MONITORING

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

1. Use of Certified Laboratories

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

2. Use of Appropriate Minimum Levels

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

For priority pollutant monitoring, when there is more than one ML value for a given substance, the Discharger may select any one of the analytical methods cited in Table C for compliance determination, or any other method described in 40 CFR part 136 or approved by 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, Section I.G.4, 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.

When a bypass subject to Attachment D, Standard Provisions, Section I.G.2, occurs, or any bypass approved pursuant to section I.G.4 other than a bypass of secondary treatment, the Discharger shall monitor flows and analyze 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 oil and grease, mercury, PCBs, dioxin-TEQ, 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:

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

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

Table A
Minimum Levels, Toxicity Equivalency Factors,
and Bioaccumulation Equivalency Factors

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

d. Data reporting for results not yet available

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

e. Flow data

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

f. Annual self monitoring report requirements

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

- 1) Annual compliance summary table of treatment plant performance, including documentation of any blending events (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 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

D. Compliance Schedules – Not supplemented

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

1. Spill of Oil or Other Hazardous Material Reports

- a. Within 24 hours of becoming aware of a spill of oil or other hazardous material that is not contained onsite and completely cleaned up, the Discharger shall report by telephone to the Regional Water Board at (510) 622-2369.
- b. The Discharger shall also report such spills to the State Office of Emergency Services [telephone (800) 852-7550] only when the spills are in accordance with applicable reporting quantities for hazardous materials.
- c. The Discharger shall submit a written report to the Regional Water Board within five working days following telephone notification unless directed otherwise by Regional Water Board staff. A report submitted electronically is acceptable. The written report shall include the following:
 - 1) Date and time of spill, and duration if known;
 - 2) Location of spill (street address or description of location);
 - 3) Nature of material spilled;
 - 4) Quantity of material involved;
 - 5) Receiving water body affected, if any;
 - 6) Cause of spill;
 - 7) Estimated size of affected area;
 - 8) Observed impacts to receiving waters (e.g., oil sheen, fish kill, water discoloration);
 - 9) Corrective actions taken to contain, minimize, or clean up the spill;
 - 10) Future corrective actions planned to be taken to prevent recurrence, and schedule of implementation; and
 - 11) Persons or agencies notified.

2. Unauthorized Discharges from Municipal Wastewater Treatment Plants¹

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and 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 Emergency Management Agency (CalEMA, 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 CalEMA 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. 5-Day Written Report

Within five business days, the Discharger shall submit a written report that includes, in addition to the information required above, the following:

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

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

7) Quantity and duration of the unauthorized discharge, and the amount recovered.

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

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

F. Planned Changes – Not supplemented

G. Anticipated Noncompliance – Not supplemented

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

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

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

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

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

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

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

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

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

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

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

Table C
List of Monitoring Parameters and Analytical Methods

| CTR No. | Pollutant/Parameter | Analytical Method ¹ | Minimum Levels ² (µg/l) | | | | | | | | | | | |
|---------|---|--------------------------------|---------------------------------------|------|----|-------|-----|------|-----|--------|--------|----------|------|--------|
| | | | GC | GCMS | LC | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 1. | Antimony | 204.2 | | | | | 10 | 5 | 50 | 0.5 | 5 | 0.5 | | 1000 |
| 2. | Arsenic | 206.3 | | | | 20 | | 2 | 10 | 2 | 2 | 1 | | 1000 |
| 3. | Beryllium | | | | | | 20 | 0.5 | 2 | 0.5 | 1 | | | 1000 |
| 4. | Cadmium | 200 or 213 | | | | | 10 | 0.5 | 10 | 0.25 | 0.5 | | | 1000 |
| 5a. | Chromium (III) | SM 3500 | | | | | | | | | | | | |
| 5b. | Chromium (VI) | SM 3500 | | | | 10 | 5 | | | | | | | 1000 |
| | Chromium (total) ³ | 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) ⁴ | | | | | | | | | | | | |
| 9. | Nickel | 249.2 | | | | | 50 | 5 | 20 | 1 | 5 | | | 1000 |
| 10. | Selenium | 200.8 or SM 3114B or C | | | | | | 5 | 10 | 2 | 5 | 1 | | 1000 |
| 11. | Silver | 272.2 | | | | | 10 | 1 | 10 | 0.25 | 2 | | | 1000 |
| 12. | Thallium | 279.2 | | | | | 10 | 2 | 10 | 1 | 5 | | | 1000 |
| 13. | Zinc | 200 or 289 | | | | | 20 | | 20 | 1 | 10 | | | |
| 14. | Cyanide | SM 4500 CN: C or I | | | | 5 | | | | | | | | |
| 15. | Asbestos (only required for dischargers to MUN waters) ⁵ | 0100.2 ⁶ | | | | | | | | | | | | |
| 16. | 2,3,7,8-TCDD and 17 congeners (Dioxin) | 1613 | | | | | | | | | | | | |
| 17. | Acrolein | 603 | 2.0 | 5 | | | | | | | | | | |
| 18. | Acrylonitrile | 603 | 2.0 | 2 | | | | | | | | | | |
| 19. | Benzene | 602 | 0.5 | 2 | | | | | | | | | | |
| 33. | Ethylbenzene | 602 | 0.5 | 2 | | | | | | | | | | |
| 39. | Toluene | 602 | 0.5 | 2 | | | | | | | | | | |
| 20. | Bromoform | 601 | 0.5 | 2 | | | | | | | | | | |
| 21. | Carbon Tetrachloride | 601 | 0.5 | 2 | | | | | | | | | | |
| 22. | Chlorobenzene | 601 | 0.5 | 2 | | | | | | | | | | |
| 23. | Chlorodibromomethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 24. | Chloroethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 25. | 2-Chloroethylvinyl Ether | 601 | 1 | 1 | | | | | | | | | | |

¹ 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.

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

³ 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).

⁴ 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).

⁵ MUN = Municipal and Domestic Supply. This designation, if applicable, is in the Findings of the permit.

⁶ 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 ¹ | Minimum Levels ² (µg/l) | | | | | | | | | | | |
|---------|--|--------------------------------|---------------------------------------|------|------|-------|-----|------|-----|--------|--------|----------|------|-----|
| | | | GC | GCMS | LC | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 26. | Chloroform | 601 | 0.5 | 2 | | | | | | | | | | |
| 75. | 1,2-Dichlorobenzene | 601 | 0.5 | 2 | | | | | | | | | | |
| 76. | 1,3-Dichlorobenzene | 601 | 0.5 | 2 | | | | | | | | | | |
| 77. | 1,4-Dichlorobenzene | 601 | 0.5 | 2 | | | | | | | | | | |
| 27. | Dichlorobromomethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 28. | 1,1-Dichloroethane | 601 | 0.5 | 1 | | | | | | | | | | |
| 29. | 1,2-Dichloroethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 30. | 1,1-Dichloroethylene or 1,1-Dichloroethene | 601 | 0.5 | 2 | | | | | | | | | | |
| 31. | 1,2-Dichloropropane | 601 | 0.5 | 1 | | | | | | | | | | |
| 32. | 1,3-Dichloropropylene or 1,3-Dichloropropene | 601 | 0.5 | 2 | | | | | | | | | | |
| 34. | Methyl Bromide or Bromomethane | 601 | 1.0 | 2 | | | | | | | | | | |
| 35. | Methyl Chloride or Chloromethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 36. | Methylene Chloride or Dichloromethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 37. | 1,1,2,2-Tetrachloroethane | 601 | 0.5 | 1 | | | | | | | | | | |
| 38. | Tetrachloroethylene | 601 | 0.5 | 2 | | | | | | | | | | |
| 40. | 1,2-Trans-Dichloroethylene | 601 | 0.5 | 1 | | | | | | | | | | |
| 41. | 1,1,1-Trichloroethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 42. | 1,1,2-Trichloroethane | 601 | 0.5 | 2 | | | | | | | | | | |
| 43. | Trichloroethene | 601 | 0.5 | 2 | | | | | | | | | | |
| 44. | Vinyl Chloride | 601 | 0.5 | 2 | | | | | | | | | | |
| 45. | 2-Chlorophenol | 604 | 2 | 5 | | | | | | | | | | |
| 46. | 2,4-Dichlorophenol | 604 | 1 | 5 | | | | | | | | | | |
| 47. | 2,4-Dimethylphenol | 604 | 1 | 2 | | | | | | | | | | |
| 48. | 2-Methyl-4,6-Dinitrophenol or Dinitro-2-methylphenol | 604 | 10 | 5 | | | | | | | | | | |
| 49. | 2,4-Dinitrophenol | 604 | 5 | 5 | | | | | | | | | | |
| 50. | 2-Nitrophenol | 604 | | 10 | | | | | | | | | | |
| 51. | 4-Nitrophenol | 604 | 5 | 10 | | | | | | | | | | |
| 52. | 3-Methyl-4-Chlorophenol | 604 | 5 | 1 | | | | | | | | | | |
| 53. | Pentachlorophenol | 604 | 1 | 5 | | | | | | | | | | |
| 54. | Phenol | 604 | 1 | 1 | | 50 | | | | | | | | |
| 55. | 2,4,6-Trichlorophenol | 604 | 10 | 10 | | | | | | | | | | |
| 56. | Acenaphthene | 610 HPLC | 1 | 1 | 0.5 | | | | | | | | | |
| 57. | Acenaphthylene | 610 HPLC | | 10 | 0.2 | | | | | | | | | |
| 58. | Anthracene | 610 HPLC | | 10 | 2 | | | | | | | | | |
| 60. | Benzo(a)Anthracene or 1,2 Benzanthracene | 610 HPLC | 10 | 5 | | | | | | | | | | |
| 61. | Benzo(a)Pyrene | 610 HPLC | | 10 | 2 | | | | | | | | | |
| 62. | Benzo(b)Fluoranthene or 3,4 Benzofluoranthene | 610 HPLC | | 10 | 10 | | | | | | | | | |
| 63. | Benzo(ghi)Perylene | 610 HPLC | | 5 | 0.1 | | | | | | | | | |
| 64. | Benzo(k)Fluoranthene | 610 HPLC | | 10 | 2 | | | | | | | | | |
| 74. | Dibenzo(a,h)Anthracene | 610 HPLC | | 10 | 0.1 | | | | | | | | | |
| 86. | Fluoranthene | 610 HPLC | 10 | 1 | 0.05 | | | | | | | | | |
| 87. | Fluorene | 610 HPLC | | 10 | 0.1 | | | | | | | | | |
| 92. | Indeno(1,2,3-cd) Pyrene | 610 HPLC | | 10 | 0.05 | | | | | | | | | |
| 100. | Pyrene | 610 HPLC | | 10 | 0.05 | | | | | | | | | |
| 68. | Bis(2-Ethylhexyl)Phthalate | 606 or 625 | 10 | 5 | | | | | | | | | | |

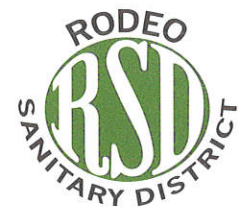
| CTR No. | Pollutant/Parameter | Analytical Method ¹ | Minimum Levels ² (µg/l) | | | | | | | | | | | |
|---------|---|--------------------------------|---------------------------------------|------|------|-------|-----|------|-----|--------|--------|----------|------|-----|
| | | | GC | GCMS | LC | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 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) ⁷ | 625 | | 1 | | | | | | | | | | |
| 88. | Hexachlorobenzene | 625 | 5 | 1 | | | | | | | | | | |
| 89. | Hexachlorobutadiene | 625 | 5 | 1 | | | | | | | | | | |
| 90. | Hexachlorocyclopentadiene | 625 | 5 | 5 | | | | | | | | | | |
| 91. | Hexachloroethane | 625 | 5 | 1 | | | | | | | | | | |
| 93. | Isophorone | 625 | 10 | 1 | | | | | | | | | | |
| 94. | Naphthalene | 625 | 10 | 1 | 0.2 | | | | | | | | | |
| 95. | Nitrobenzene | 625 | 10 | 1 | | | | | | | | | | |
| 96. | N-Nitrosodimethylamine | 625 | 10 | 5 | | | | | | | | | | |
| 97. | N-Nitrosodi-n-Propylamine | 625 | 10 | 5 | | | | | | | | | | |
| 98. | N-Nitrosodiphenylamine | 625 | 10 | 1 | | | | | | | | | | |
| 99. | Phenanthrene | 625 | | 5 | 0.05 | | | | | | | | | |
| 101. | 1,2,4-Trichlorobenzene | 625 | 1 | 5 | | | | | | | | | | |
| 102. | Aldrin | 608 | 0.005 | | | | | | | | | | | |
| 103. | α-BHC | 608 | 0.01 | | | | | | | | | | | |
| 104. | β-BHC | 608 | 0.005 | | | | | | | | | | | |
| 105. | γ-BHC (Lindane) | 608 | 0.02 | | | | | | | | | | | |
| 106. | δ-BHC | 608 | 0.005 | | | | | | | | | | | |
| 107. | Chlordane | 608 | 0.1 | | | | | | | | | | | |
| 108. | 4,4'-DDT | 608 | 0.01 | | | | | | | | | | | |
| 109. | 4,4'-DDE | 608 | 0.05 | | | | | | | | | | | |
| 110. | 4,4'-DDD | 608 | 0.05 | | | | | | | | | | | |
| 111. | Dieldrin | 608 | 0.01 | | | | | | | | | | | |
| 112. | Endosulfan (alpha) | 608 | 0.02 | | | | | | | | | | | |
| 113. | Endosulfan (beta) | 608 | 0.01 | | | | | | | | | | | |
| 114. | Endosulfan Sulfate | 608 | 0.05 | | | | | | | | | | | |
| 115. | Endrin | 608 | 0.01 | | | | | | | | | | | |
| 116. | Endrin Aldehyde | 608 | 0.01 | | | | | | | | | | | |
| 117. | Heptachlor | 608 | 0.01 | | | | | | | | | | | |
| 118. | Heptachlor Epoxide | 608 | 0.01 | | | | | | | | | | | |

⁷ Measurement for 1,2-Diphenylhydrazine may use azobenzene as a screen: if azobenzene is measured at >1 ug/l, then the Discharger shall analyze for 1,2-Diphenylhydrazine.

| CTR No. | Pollutant/Parameter | Analytical Method ¹ | Minimum Levels ² (µg/l) | | | | | | | | | | | |
|---------|---|--------------------------------|---------------------------------------|------|----|-------|-----|------|-----|--------|--------|----------|------|-----|
| | | | GC | GCMS | LC | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 119-125 | PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260 | 608 | 0.5 | | | | | | | | | | | |
| 126. | Toxaphene | 608 | 0.5 | | | | | | | | | | | |

Appendix B

Comments



RODEO SANITARY DISTRICT

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August 4, 2017

Ms. Jessica Watkins, P.E.
Water Resource Control Engineer
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
By email: Jessica.Watkins@waterboards.ca.gov

Subject: Comments on Tentative Order for Rodeo Sanitary District Water Pollution Control Facility (Reissuance of NPDES Permit No. CA0037826)

Dear Ms. Watkins:

The Rodeo Sanitary District (Rodeo) is an enterprise district, formed in 1939, that serves the town of Rodeo and the village of Tormey in Western Contra Costa County. The District's mission is "To safely provide the highest level of waste water collection and treatment as economically as possible for the people of Rodeo while protecting the sensitive ecosystem of the San Pablo Bay and the overall environment." Rodeo's Water Pollution Control Facility (WPCF) design capacity is 1.14 mgd, but in recent years, the facility has been treating an average dry weather flow of 0.60 mgd. The flowrate is not expected to increase as the service area has been built out. Rodeo is in the middle of a 4-year Capital Improvement Project (CIP) program to repair and replace sewer lines with either the greatest rate of inflow and infiltration (I&I) or the greatest risk of overflows, or, as is often the case, both. In addition, Rodeo is conducting numerous hydraulic and mechanical improvements at the Influent Pumping Stations and the WPCF.

Rodeo submits the following comments on the Tentative Order issued for the Rodeo Sanitary District Water Pollution Control Facility on June 29, 2017:

Comment 1. *Modify State Law Provisions (Finding II.C.)*

While the current finding is appreciated, the citation to provision VI.C.5.c is incomplete as that is not the sole section of the permit that implements State law only. By definition, any provision not specifically required by federal law is implementing state law. The California Supreme Court, in connection with a 2001 MS4 permit for Los Angeles County, held that the Regional Water Board was not required by federal law to impose any specific permit conditions, except as set forth in federal regulations. The federal Clean Water Act (CWA) broadly directed the Regional Water Board to issue permits with conditions designed to reduce pollutant discharges, but EPA's regulations gave the Regional Water Board discretion to determine which specific controls were necessary to meet that standard. Here, the State was not compelled by federal law to impose any particular requirement. (*Dept. of Fin. v. Com. on State Mandates* (2016) 1 Cal.5th 749, 767-68.) A previous California Supreme Court decision dealing with publicly owned

treatment works (POTWs) similarly held that if NPDES permits are “more stringent than required under federal law,” State law requirements must be met. (*City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 628).

If listed, other state law only provisions should be included this section, including, but not limited to: Provisions III.D. (CWA does not limit flow); V. Receiving Water Limitations (not federal requirements); VI.A.2 (Regional Standard provisions not required by federal law); VI.C.2 (characterization study not required by federal law); VI.C.3 (Pollutant Minimization Program is a state law requirement); VI.C.4.b. (Collection System Waste Discharge Requirements is state law only), as is all of VI.C.5.

Request: To avoid the need for listing every state law section, the language should be modified to mirror that used by the Los Angeles and North Coast Regional Water Boards, which states:

Provisions and Requirements Implementing State Law. Many of the provisions/requirements in this Order and the Monitoring and Reporting Program (MRP) are included to implement state law only. These provisions/requirements are not mandated or authorized under the federal CWA; consequently, non-compliance with these provisions/requirements is not subject to the enforcement remedies available for NPDES violations.

Comment 2. Remove Maximum Daily Effluent Limitations (Provision IV.A., Table 4)

Maximum daily effluent limits are not prescribed for POTWs unless it is demonstrated with evidence in the record that average monthly and average weekly effluent limitations are impracticable. Limitations related to human health and other chronic effects have no short term impacts, and thus daily maximum limitations are unnecessary. In those cases, it is practicable to express these limits as monthly averages, since the regulated constituents are not expected to cause acute effects on beneficial uses.

- In Section IV.A., Effluent Limitations, the daily maximum effluent limits for chlorodibromomethane (CDBM), and dioxin-TEQ should be removed as not required, necessary, or prescribed for human health criteria under federal rules or the State Implementation Policy (SIP).
- Federal regulations do not authorize daily limits where monthly and weekly average limits are not impracticable. (40 C.F.R. §122.45(d)(2)(“For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards shall unless impracticable be stated as: ... (2) Average weekly and average monthly discharge limitations for POTWs.”). Numerous court cases have confirmed that monthly and weekly averages are the only limits required for POTWs. Nevertheless, the Regional Water Board continues to propose daily limits where monthly averages would suffice to protect human health uses.
- The SIP does not prescribe daily limits for human health criteria. See SIP at pg. 8 (“For this method only [discussing aquatic life criteria translation into WQBELs], maximum daily effluent limitations shall be used for publicly-owned treatment works (POTWs) in place of average weekly limitations.”) (emphasis added). No similar authorizing language exists for human health criteria.

- For CDBM and dioxin-TEQ, daily limits are not required because these are human health criteria, based on 70 years of exposure drinking 2 liters of the water per day and/or eating fish every day from those waters with dioxin levels exceeding the criteria (which is not the case here). Since no one is drinking Rodeo’s effluent or the San Francisco Bay water, daily limits are overly stringent and not required.
- For chronic toxicity, daily limits make no sense, and neither does footnote [2] inserted onto the chronic toxicity daily limit, which states: “The maximum daily effluent limitation for chronic toxicity shall be the maximum test result for the month.” This effluent limitation then becomes a *monthly maximum*, not a daily maximum limit.
- No promulgated rule requires daily toxicity limits to protect against chronic effects where the test itself runs 4-8 days. See SIP at p. 30; see also 67 Fed. Reg. 69953 (2002 Final WET Rule)(“short term methods for estimating chronic toxicity use longer durations of exposure (*up to nine days*) to ascertain the adverse effects of an effluent or receiving water on survival, growth and/or reproduction of the organisms.”) (emphasis added). Daily limits are thus “impracticable” and not prescribed by law. 40 C.F.R. §122.45(d).
- EPA recommends against the use of single toxicity hits, particularly for compliance purposes. “Single measurements on effluent involve some uncertainties about the true concentration or toxicity related to the representativeness of the sample... Like all analytical measurements, WET measurements (NOEC, EC25, LC50) are inexact.” USEPA, *Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications under the NPDES System*, EPA 833-R-00-003 at p. 6-2 (June 2000).
- Reliance upon a single test is also highly problematic and imprecise given that biological chronic toxicity tests often inaccurately identify non-toxic samples as toxic. Further, the results from a single effluent test provide no indication of actual chronic aquatic toxicity in the ambient (“in-stream”) receiving waters, as prescribed by the Basin Plan’s Toxicity objective and federal regulations. If a numeric limit is included at all (see following sections), a *monthly* median should be the *only* limit.

Request: Remove the proposed daily limits for CDBM, dioxin, and chronic toxicity.

Comment 3. Remove Numeric Chronic Toxicity Limits (Provision IV.A., Table 4)

The Basin Plan at section 4.5.5.3.2 (“Chronic Toxicity”) states: “Chronic toxicity effluent limits are derived for individual dischargers based upon Best Professional Judgement [sic].” This “professional judgment” must defer to precedential decisions of the State Water Resources Control Board (State Water Board). Cal. Gov’t Code §11425.60.

On September 16, 2003, the State Water Board adopted two precedential orders, WQO 2003-0012, in response to petitions filed by the Los Angeles County Sanitation Districts (LACSD) and Santa Monica Baykeeper for the Los Coyotes and Long Beach Water Reclamation Plant (WRP) NPDES permits [SWRCB/OCC File Nos. A-1496 and A-1496(a)], and WQO 2003-0013, in response to a petition filed by LACSD and Bill Robinson on the 2002 version of the Whittier Narrows WRP permit [SWRCB/OCC File Nos. A-1509 and A-1509(a)]. In these two

2003 precedential orders, the State Water Board found that the use of final numeric whole effluent toxicity (“WET”) limitations in permits for POTWs is an issue of statewide importance that should be addressed in a statewide plan or policy.

In addition, the State Water Board instructed Regional Water Boards to **replace** any numeric chronic toxicity effluent limitations with the prescribed narrative chronic toxicity limitation until a statewide toxicity policy is adopted. These State Board Orders (WQO 2003-0012 and WQO 2003-0013) are considered **precedential orders**, binding upon and required to be followed by all Regional Water Boards in the state until overturned, or until new regulations revise the decision. Cal. Gov’t Code §11425.60. Although the Fact Sheet at pg. F-22 states that “About 14 years have passed and the State Water Board has not modified the SIP.” This confirms that nothing has changed in the law, and the cited fact that the “Regional Board exercises its own discretion” at pg. F-22 represents an abuse of discretion since the Regional Board cannot unilaterally modify regulations or precedential orders. Citation to *potential* USEPA objections and other permits being adopted incorrectly does not validate unlawful actions that violate State Water Board direction and binding precedent.

Although it has been 14 years since the above decisions, these precedential decisions were later upheld and followed in other, subsequent and more recent State Water Board orders, including WQO 2008-08 (City of Davis) and WQO 2012-0001 (City of Lodi). The 2012-0001 Lodi order at page 22 recognized that “[t]he Board previously addressed this issue in a precedential decision” and “concluded that a numeric effluent limitation for chronic toxicity was not appropriate in the permit under review, but that the permit had to include a narrative effluent limitation for chronic toxicity.” In the Lodi case, the State Board also determined that because the discharge had the reasonable potential to cause or contribute to an excursion above the Basin Plan’s narrative toxicity objective, the Central Valley Regional Water Board, on remand, was ordered to amend that permit “to add an appropriate narrative chronic toxicity limitation.” *Id.*; see also State Board WQO 2008-0008 at pp. 5-7 (concluding that a *numeric* effluent limitation for chronic toxicity is not appropriate at this time).

Thus, no less than four (4) precedential State Water Board orders over a span of a decade *require* that NPDES permits contain a narrative chronic toxicity effluent limit.¹ All of these precedential orders directly conflict with the requirements contained in the Permit that includes numeric chronic toxicity limits. Although Rodeo appreciates that the proposed numeric limits include

¹ The Fact Sheet at pg. F-22 states: “Numeric WQBELs are consistent with the intent of the federal regulations requiring whole effluent toxicity effluent limitations at 40 C.F.R. section 122.44(d). Nothing in 40 C.F.R. section 122.44(d) requires numeric limits, so this finding is inaccurate and inconsistent with See *Communities for a Better Environment (“CBE”) v. State Water Resources Control Bd.*, 109 Cal. App 4th 1089 (2003), which held that numeric limits are *not required* by this federal regulation. In the *CBE* case, which reviewed this Regional Board’s permit for the Tesoro refinery, the Court held that “In the pertinent text of section 122.44(d), the word ‘numeric’ never modifies ‘effluent limitation,’ only ‘water quality criterion.’” *Id.*; see also *In the Matter of the Petition of Citizens for a Better Environment, Save San Francisco Bay Association, and Santa Clara Valley Audubon Society (Order No. WQ 91-03, May 16, 1991) 1991 WL 135460 (Cal.St.Wat.Res.Bd.)*. (“We have reviewed these authorities, and also opinions we have received from EPA, and conclude that numeric effluent limitations are not legally required.” (emphasis added).) The Proposed Permit at pg. F-22 then cites to *the preamble* to these same regulations, “A limit on whole effluent toxicity refers to a numeric effluent limitation expressed in terms such as toxic units, no observed effect level (NOEL), LC₅₀, or percent mortality.” (54 Fed. Reg. 23871.) A preamble is not a regulation and use of such guidance as a regulation constitutes underground rulemaking.

substantial dilution credits, the Regional Water Board is still obliged to follow the State Water Board's binding precedent.

Request: Replace the numeric limits with a narrative effluent limitation, which states: "There shall be no chronic toxicity in the effluent discharge," and include a monthly median trigger for accelerated monitoring based on the No Observable Effect Level (NOEL) and chronic toxicity units (TUC).²

Comment 4. Modify Outfall Diffuser Maintenance (Provision VI.C.5.d)

The Tentative Order contains a new requirement that "By January 22, 2019, the Discharger shall submit documentation verifying that all 30 outfall diffuser ports are operating as designed and it complies with Discharge Prohibition III.C."³ The diffuser is jointly owned and operated by Rodeo and the City of Pinole and, therefore, this requirement should not be imposed solely on Rodeo. Rodeo will conduct an inspection in 2018 and clean and fix the diffuser ports as needed to ensure design operation and minimum dilution. Documentation of the inspection and maintenance activities will be provided to the Regional Water Board. However, there are challenges to ensuring all 30 outfall diffuser ports remain operational. Sediment buildup on and near the diffuser can impact flow from the ports. For example, the 2005 inspection report noted no damage to the diffuser, but 4 ports were buried or blocked by sediment, while the 2016 inspection report noted the diffuser was in good condition but 2 ports were buried by sediment. Ongoing inspections and maintenance activities will be conducted by Rodeo once every 5 years.

Request: Modify the language as follows since Rodeo cannot ensure all ports will consistently remain operational: "By January 22, 2019, the Discharger shall submit documentation verifying that ~~all 30~~ the outfall diffuser ports are operating as designed and ~~it~~ comply-ies with Discharge Prohibition III.C."

Comment 5. Modify Effluent Bacteria Monitoring (Attachment E, Table E-3)

Rodeo wishes to increase the effluent monitoring frequency for enterococcus and decrease the monitoring frequency for total coliform. The changes detailed below will provide sufficient information to assess impacts to beneficial uses and are consistent with the bacteria monitoring requirements approved recently for Novato Sanitary District (Order No. R2-2015-0034).

Request: Change enterococcus monitoring frequency from 2/year (during recreational season) to 3/week (year-round). Change total coliform monitoring frequency from 3/week (year-round) to 1/quarter (with acceleration to 3/week if limit is exceeded).

² Additional protection is provided by the Receiving Water Limitation (Provision V.A.9., which states: "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."), and the effluent limitation for acute toxicity (Provision IV.E.).

³ Provision III.C. states: "Discharge at Discharge Point No. 001 is prohibited when treated wastewater does not receive an initial dilution of at least 75:1, 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.b. The Discharger shall address measures taken to ensure this in its application for permit reissuance."

Comment 6. Wording Changes Requested

(1) Because of the negative connotation associated with the word Discharger, the permit should be modified to instead use the word “Permittee,” which is consistent with the practice of other regional boards and EPA regulations.

(2) Provision VI.C.1., after section g., make change per note (1) above and add underlined words to end of the following sentence because these analyses may not always be required:

The ~~Discharger~~ Permittee 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 as applicable.

(3) Provision VI.C.4.b., make change per note (1) above and add the word “separately” as follows since the SSO WDR (State Water Board Order No. 2006-0003-DWQ) is not a part of the NPDES permit provisions and should not be enforceable under this Permit:

b. Collection System Management. The ~~Discharger~~ Permittee is subject to the requirements of, and shall separately 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.

Request: Make the above requested minor language changes.

Rodeo appreciates the time and considerations granted by Regional Water Board staff during development of the Tentative Order. Please contact me at (510) 799-2970 (or by email, bealls@rodeosan.org) if you have any questions or need additional information.

Sincerely,



Steven Beall
District Manager

Cc: Robert Schlipf, robert.schlipf@waterboards.ca.gov
Melissa Thorme, Downey Brand LLP
Denise Conners, Larry Walker Associates

Appendix C
Response to Comments

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

RESPONSE TO WRITTEN COMMENTS

on the Tentative Order for
Rodeo Sanitary District
Rodeo Sanitary District Water Pollution Control Facility and Wastewater Collection System
Rodeo, Contra Costa County

On August 3, 2017, the Regional Water Board received written comments from the Rodeo Sanitary District on a tentative order (TO) distributed for public comment on July 3, 2017.

Regional Water Board staff has summarized the comments, shown below in *italics* (paraphrased for brevity), and followed each comment with staff's response. For the full content and context of the comments, please refer to the comment letter.

All revisions to the TO are shown with underline text for additions and strikethrough ~~text~~ for deletions. This document also contains staff-initiated revisions.

Rodeo Sanitary District

District Comment 1: *The District requests to revise Finding II.C to indicate that the revised TO contains requirements that implement State law only in addition to those of Provision VI.C.5.c.*

Response: We deleted Finding II.C. Provisions and requirements implementing State law only are legally enforceable regardless of whether the Order explicitly identifies them.

District Comment 2: *The District requests to remove the maximum daily effluent limitations (MDELs) for chlorodibromomethane, dioxin-TEQ, and chronic toxicity. Because these pollutants relate to human health and other chronic effects, the District contends that they have no short-term impacts and MDELs are unnecessary. To support its position, the District asserts the following:*

- *daily limits are not prescribed for publicly-owned treatment works (POTWs) unless weekly and monthly limits are impracticable;*
- *numerous court cases have confirmed that weekly and monthly limits are the only limits required for POTWs;*
- *daily chlorodibromomethane and dioxin-TEQ limits are based on human health criteria and are thus not required by federal regulations or the State Implementation Policy (SIP);*
- *monthly limits would suffice to protect human health;*
- *daily limits for human health criteria are overly stringent and not required because they are based on the long-term consumption of drinking water and aquatic organisms;*
- *no promulgated rule requires daily toxicity limits to protect against chronic effects where the tests last 4 to 8 days;*

- *U.S. EPA recommends against the use of single toxicity tests for compliance purposes;*
- *reliance on a single chronic toxicity test for compliance purposes is problematic because these tests often inaccurately identify non-toxic samples as toxic and do not correlate with real-world toxicity in receiving waters; and*
- *daily chronic toxicity limits are impracticable and therefore not authorized by federal regulations.*

The District also requests to include a monthly median chronic toxicity limit if a numeric limit is necessary.

Response: We disagree. MDELs for chlorodibromomethane, dioxin-TEQ, and chronic toxicity are necessary. U.S. EPA’s *Technical Support Document for Water Quality-Based Toxics Control* (Technical Support Document) section 5.2.3 indicates that an MDEL is more appropriate than an average weekly effluent limit for toxic pollutants. This is because average weekly limits for POTWs are derived from secondary treatment requirements, which are unrelated to achieving compliance with water quality standards. The use of MDELs in lieu of average weekly limits is also consistent with SIP section 1.4.B, which requires daily limits for toxic pollutants (including those based on protecting human health). Moreover, because the SIP contains no discussion of how to calculate weekly limits, it is clear that its intent is to require an MDEL for all toxic pollutants that require water quality-based effluent limits (WQBELs).

As for the District’s comment that monthly limits would suffice to protect human health, we disagree. In Technical Support Document section 5.4.4, U.S. EPA recommends calculating both daily and monthly limits for human health protection because the daily limit “sets an upper bound on effluent values used to determine the monthly average and provides a measure of effluent compliance during operational periods between monthly sampling.” This statistical approach ensures that instream criteria will be met over the long-term.

Regarding the District’s comment that numerous (unidentified) court cases have confirmed that weekly and monthly limits are the only limits required for POTWs, we are aware of only one trial court opinion, which is not precedential. In contrast, many precedential court cases discuss daily limit violations, implicitly acknowledging the propriety of such limits. Moreover, the Code of Federal Regulations requires weekly and monthly limits “unless impracticable,” thus setting the floor for the frequency of limitations, not the ceiling.

To clarify that imposing daily WQBELs is consistent with federal regulations and guidance, we revised Fact Sheet section IV.C.4.a as follows:

NPDES regulations at 40 C.F.R. section 122.45(d) require that permit limits for POTWs be expressed as average weekly and average monthly limits, unless impracticable. This Order contains MDELs instead of weekly limits because MDELs better protect against acute ~~toxic water quality~~ effects and are necessary to prevent fish kills or mortality to aquatic organisms. Weekly limits could allow acute and chronic toxicity to occur over shorter periods (acute and chronic aquatic life criteria are typically expressed as one-hour and four-day averages).

Daily WQBELs are appropriate for toxic pollutants and pollutant parameters, including chronic toxicity. In Technical Support Document section 5.2.3 and

~~discussing permit limit expression for chronic toxicity in EPA Regions 8, 9 and 10 Toxicity Training Tool (January 2010), U.S. EPA acknowledges that NPDES regulations at 40 C.F.R. section 122.45(d) require weekly limits for POTWs but indicates that weekly limits are inappropriate for toxic pollutants and pollutant parameters, including chronic toxicity, in and water quality permitting. U.S. EPA expressly recommends establishing MDELS in lieu of weekly limits for these constituents. According to U.S. EPA, the requirement for weekly limits is based on the secondary treatment requirements, which are unrelated to water quality, and weekly limits could allow peak toxic concentrations to be averaged out and missed. ~~Technical Support Document section 5.2.3 also states that weekly limits are inappropriate for whole effluent toxicity. In lieu of weekly limits, U.S. EPA recommends daily limits.~~ Since chronic toxicity tests may take several days to complete, Table 4 of the Order contains a footnote indicating that the maximum daily WQBEL is to be interpreted as the maximum test result for the month, as U.S. EPA recommends in Technical Support Document section 5.2.3 and EPA Regions 8, 9 and 10 Toxicity Training Tool (January 2010).~~

Regarding the District's comment that U.S. EPA recommends against the use of single toxicity tests for compliance purposes, we disagree. As discussed above, U.S. EPA recommends the use of daily limits for compliance purposes in Technical Support Document section 5.2.3. Further, as explained in Fact Sheet section IV.C.3.d.iv, U.S. EPA submitted letters in support of daily chronic toxicity limits calculated using the same methodology during the public comment periods for the Las Gallinas Valley Sanitary District permit (Permit No. CA0037851) on March 5, 2015, and for the City of Pacifica permit (Permit No. CA0038776) on February 27, 2017. We agree that there is inherent uncertainty associated with toxicity testing, like all analytical measurements, as the District pointed out, which is the reason that U.S. EPA "does not recommend that the initial response to a single exceedance of a [toxicity] limit, causing no known harm, be a formal enforcement action with a civil penalty" (January 2010, *EPA Regions 8, 9 and 10 Toxicity Training Tool*).

Finally, regarding the District's comment that chronic toxicity tests often inaccurately identify non-toxic samples as toxic and do not correlate with real-world toxicity in receiving waters, we disagree. From September 1999 through April 2000, U.S. EPA conducted a peer-reviewed study¹ that measured the rate of false positive incidence. Based on chronic toxicity data from 34 laboratories using the water flea, U.S. EPA found that the false positive rate was below 5 percent. In 2004, a federal appeals court² confirmed that this false positive rate is acceptable and added that toxicity test methods give permittees the benefit of the doubt by allowing false negative rates up to 20 percent. The federal appeals court³ also concluded that chronic toxicity test results are able to accurately predict instream effects based on numerous studies conducted throughout the 1990s.

¹ *Final Report: Interlaboratory Variability Study of EPA Short-term Chronic and Acute Whole Effluent Toxicity Test Methods*, EPA 821-B-01-004 and EPA 821-B-01-005, U.S. Environmental Protection Agency, Office of Water, Washington, DC, September 2001.

² *Edison Electric Institute v. Environmental Protection Agency* (D.C. Cir. 2004) 391 F.3d 1267, 1273-75.

³ *Id.* at 1278.

District Comment 3: *The District requests to replace the numeric chronic toxicity WQBELs with a narrative limit. The District argues that State Water Board Order Nos. WQ 2003-0012 and 2003-0013 are precedential orders that require the use of narrative, as opposed to numeric, chronic toxicity effluent limits until a statewide toxicity policy is adopted. The District further asserts that this intent was upheld in State Water Board Order Nos. WQ 2008-0008 and 2012-0001. The District also requests to include a monthly median trigger for accelerated monitoring based on the No Observable Effect Level (NOEL) expressed in chronic toxicity units (TU_c).*

Response: We disagree. As explained in Fact Sheet section IV.C.4.a, imposing numeric chronic toxicity WQBELs is consistent with federal regulations. In accordance with 40 C.F.R. sections 122.44(d)(1)(i) and (v), chronic toxicity WQBELs are required because there is reasonable potential for chronic toxicity within the discharge to cause or contribute to an exceedance of the narrative toxicity water quality objective in Basin Plan section 3.3.18:

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. ...

Numeric WQBELs are necessary and appropriate because, as explained in the Fact Sheet, the chemical-specific WQBELs and narrative chronic toxicity WQBEL in the previous order were insufficient to attain and maintain the narrative chronic toxicity water quality objective, as evidenced by the regularly observed chronic toxicity in the discharge during the previous order term. As described in Fact Sheet section IV.C.3.d.iii, the District observed chronic toxicity in 67 percent of chronic toxicity tests (12 out of 18). The highest result was 61 TU_c in August 2016; however, chronic toxicity may have been higher in April 2015 (>40 TU_c). Numeric WQBELs are consistent with the federal regulations requiring effluent limitations at 40 C.F.R. section 122.44(d). As set forth in the preamble to these regulations, “A limit on whole effluent toxicity refers to a numeric effluent limitation expressed in terms such as toxic units, no observed effect level (NOEL), LC50, or percent mortality.” (54 Fed. Reg. 23871, emphasis added).

As explained in Fact Sheet section IV.C.3.d, imposing numeric chronic toxicity WQBELs does not conflict with State Water Board orders. In State Water Board Order No. WQ 2003-0012, the State Water Board declined to determine the propriety of final numeric effluent limitations for chronic toxicity in the permits under review but stated its intent to establish a policy to address chronic toxicity. At the time, the State Water Board expected to modify the SIP within one year. In the interim, it allowed reliance on narrative chronic toxicity WQBELs provided that permits also contain: (1) numeric benchmarks for triggering accelerated monitoring, (2) rigorous TRE conditions, and (3) a reopener to establish numeric effluent limitations for either chronic toxicity or any chemicals causing toxicity. State Water Board Order Nos. WQ 2003-0013, 2008-0008, and 2012-0001 rely on conclusions from State Water Board Order No. WQ 2003-0012.

U.S. EPA’s acceptance of the narrative approach, as expressed in its letter to the State Water Board dated August 27, 2003, hinged upon the State Water Board’s commitment to expeditiously update the SIP and provide guidance on how to implement chronic toxicity objectives in NPDES permits. Numeric WQBELs are now warranted because, 14 years later, the

State Water Board has not established a statewide chronic toxicity policy, and discharges that do not ensure compliance with the narrative toxicity water quality objective continue.

U.S. EPA has also withdrawn its support for narrative chronic toxicity WQBELs. On January 15, 2015, U.S. EPA indicated its intent to object to reissuance of the Las Gallinas Valley Sanitary District permit (Permit No. CA0037851) if that permit did not contain chronic toxicity WQBELs as stringent as necessary to meet water quality standards, including numeric chronic toxicity WQBELs as needed. U.S. EPA has also submitted letters in support of numeric WQBELs calculated using the same methodology during the public comment periods for the Las Gallinas Valley Sanitary District permit (Permit No. CA0037851) on March 5, 2015, and the City of Pacifica permit (Permit No. CA0038776) on February 27, 2017. Based on what has and has not occurred since 2003, numeric chronic toxicity WQBELs are necessary and appropriate at this time.

Regarding the District's request to include a monthly median trigger for accelerated monitoring, we disagree. As explained in Fact Sheet section VII.A.3, the revised TO contains a single-sample accelerated monitoring trigger based on Basin Plan section 4.5.5.3.2 and Basin Plan Table 4-5.

We revised Attachment E – Monitoring and Reporting Program (MRP) section V.B.1.c.ii to clarify that the accelerated monitoring trigger is based on the NOEL expressed in TU_c as follows:

The Discharger shall accelerate monitoring to monthly after exceeding a single-sample maximum of $10 TU_c$ (100/NOEL).

We also revised the chronic toxicity unit abbreviations in Table 4 of the Order, MRP Table E-3, and Fact Sheet Table F-2 as follows:

Abbreviations:

:

TU_c = chronic toxicity units, equal to 100/NOEL

:

District Comment 4: *The District requests to revise Provision VI.C.5.d (Outfall Diffuser Maintenance) because it cannot ensure that all 30 outfall diffuser ports will consistently remain operational. The District also suggests this requirement should not be imposed solely on the District because it jointly owns and operates the outfall with the City of Pinole.*

Response: We disagree. First, the requested revisions would not change the substance of the requirement to submit documentation verifying that (1) all of the outfall diffuser ports are operating as designed and (2) the District complies with Discharge Prohibition III.C. Furthermore, as explained in Fact Sheet section VI.C.5.d, it is necessary to ensure that all ports will consistently remain operational because the ammonia and chronic toxicity WQBELs are based on this assumption.

District Comment 5: *The District requests to increase the effluent enterococcus monitoring frequency and reduce the effluent total coliform monitoring frequency. The District asserts that the proposed changes will provide sufficient information to assess impacts to beneficial uses and are consistent with bacteria monitoring requirements in a recently adopted order.*

Response: We agree and revised MRP Table E-3 as follows:

Table E-3. Effluent Monitoring

| Parameter | Units | Sample Type | Minimum Sampling Frequency |
|--|------------|-------------|------------------------------------|
| ⋮ | ⋮ | ⋮ | ⋮ |
| Total Coliform ^[6,2] | MPN/100 mL | Grab | <u>1/Quarter</u> 3/Week |
| Enterococcus Bacteria ^[6,7] | MPN/100 mL | Grab | <u>3/Week</u> 2/Year |
| ⋮ | ⋮ | ⋮ | ⋮ |

Footnotes:

⋮

[7] ~~Total coliform~~ ~~Enterococcus~~ bacteria shall be monitored ~~once per quarter~~ ~~twice per year~~ at a minimum. The samples shall be collected in ~~two different calendar months during the higher recreational water contact season (June to October).~~ If the ~~total coliform~~ ~~enterococcus~~ effluent limitation is exceeded, the Discharger shall conduct ~~3/Week~~ ~~5/Month~~ accelerated sampling for at least ~~four consecutive weeks~~ ~~three consecutive months~~. If full compliance is demonstrated during the ~~four-week~~ ~~three-month~~ period, the Discharger may return to the ~~1/Quarter~~ ~~2/Year~~ sampling frequency.

⋮

We also revised Fact Sheet Table F-11 to be consistent with revised MRP Table E-3 as follows:

Table F-11. Monitoring Requirements Summary

| Parameter | Influent INF-001 ^[1] | Effluent EFF-001 (or EFF-001D) ^[1] | Receiving Water |
|-----------------------|---------------------------------|---|-----------------|
| ⋮ | ⋮ | ⋮ | Support RMP |
| Total Coliform | --- | <u>1/Quarter</u> 3/Week | |
| Enterococcus Bacteria | --- | <u>3/Week</u> 2/Year | |
| ⋮ | ⋮ | ⋮ | |

District Comment 6a: *The District requests to use the word “Permittee” instead of “Discharger” because the word “Discharger” has a negative connotation and using the word “Permittee” is consistent with the practice of other Regional Water Boards and U.S. EPA regulations.*

Response: We disagree. Using the word “Discharger” instead of “Permittee” is consistent with all wastewater NPDES permits this Regional Water Board has issued and (1) standard language used in the attachments to the revised TO, (2) the State Water Board NPDES permit template, (3) the mercury and polychlorinated biphenyls (PCBs) and nutrients watershed permits (NPDES Permit Nos. CA0038849 and CA0038873), and (4) the alternate monitoring and reporting requirements set forth in Order No. R2-2016-0008. Both terms are used in the SIP and federal regulations.

District Comment 6b: *The District requests to revise Provision VI.C.1 (Reopener Provisions) to clarify its intent.*

Response: We agree and revised Provision VI.C.1 (last paragraph) as follows:

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 as applicable.

District Comment 6c: *The District requests to revise Provision VI.C.4.b (Collection System Management) to indicate that 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, is not a requirement of, and thus not subject to enforcement under, the revised tentative order.*

Response: We disagree. As explained in Fact Sheet section VI.C.4.b, these requirements are appropriate because the District’s collection system is part of the facility regulated through the revised TO. If we did not include these requirements by reference, we would need to include explicit and comparable requirements in the revised TO.

Staff-Initiated Changes

In addition to making minor editorial and formatting changes, we revised the TO as follows:

1. We revised MRP Table E-3 to correct a typographical error and reduce the effluent chlorodibromomethane monitoring frequency as follows:

Table E-3. Effluent Monitoring

| Parameter | Units | Sample Type | Minimum Sampling Frequency |
|--|-------|-------------|----------------------------------|
| ⋮ | ⋮ | ⋮ | ⋮ |
| <u>Chlorodibromomethane</u> Dichlorobromomethane | µg/L | Grab | <u>2/Year</u> 1/Month |
| ⋮ | ⋮ | ⋮ | ⋮ |

2. We revised Fact Sheet Table F-11 to be consistent with revised MRP Table E-3 as follows:

Table F-11. Monitoring Requirements Summary

| Parameter | Influent INF-001 ⁽¹⁾ | Effluent EFF-001 (or EFF-001D) ⁽¹⁾ | Receiving Water |
|--|---------------------------------|---|-----------------|
| ⋮ | ⋮ | ⋮ | Support RMP |
| <u>Chlorodibromomethane</u> Dichlorobromomethane | --- | <u>2/Year</u> 1/Month | |
| ⋮ | ⋮ | ⋮ | |