

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2014-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2011-0005 (NPDES PERMIT NO. CAS0084077)

STOCKTON PORT DISTRICT
FACILITY-WIDE STORM WATER DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEM AND NON-STORM WATER
DISCHARGES FROM THE PORT OF STOCKTON
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter "Central Valley Water Board") finds that:

1. On 3 February 2011, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2011-0005 (NPDES Permit No. CAS0084077), prescribing waste discharge requirements for the Port of Stockton Phase I Municipal Separate Storm Sewer System, San Joaquin County. For the purposes of this Resolution, the Stockton Port District is hereafter referred to as the "Permittee."
2. The Permittee is a special district that owns and operates the Port of Stockton (Port) and its storm sewer system. The Port is located within the City of Stockton, which is the largest city in San Joaquin County, with a population of approximately 287,000 persons. In 1997, the Central Valley Water Board issued a municipal separate storm sewer system (MS4) permit to the Permittee that regulated the Port as a medium-size storm sewer system. The portion of the storm sewer system operated by the City of Stockton is separately regulated under different waste discharge requirements (Order R5-2007-0173).
3. Storm water from the Port area is discharged to the San Joaquin River which drains to the Sacramento-San Joaquin Delta. Each of these water bodies are waters of the United States.
4. On or about 4 March 2011, the Permittee appealed Order R5-2011-0005 on a variety of issues. On 16 May 2014, in an attempt to resolve the issues in its permit appeal and to clarify the permit's terms, the Permittee submitted a written request to amend portions of its Permit for typographical errors, modification of definitions, use of consistent terminology throughout the Permit, and changes to the Monitoring and Reporting Program. Revisions to monitoring included reduced sampling locations and frequencies, and modification to sampling methods.
5. The Permittee was issued an Administrative Order on Consent [AOC] (Docket No. CWA-309(a)-10-003) from the United States Environmental Protection Agency, Region 9 (USEPA) on 4 December 2009. The AOC was terminated on 5 January 2011. ~~This amendment to Order R5-2011-0005 does not modify remaining responsibilities, if any, by the Permittee to comply with the USEPA's AOC.~~
6. This Order amends Order R5-2011-0005 (as shown in Attachment A in underline/strikeout) to correct typographical errors, ~~consistently use the terms "dry season", "dry weather", "dry weather monitoring event", "dry weather field screening", "wet season", "wet weather", and "wet weather monitoring event",~~ and as summarized below.

- a. Provision D.12.a.viii of Order R5-2011-0005 requires the Permittee to inspect retention basins monthly during the dry season and weekly during the wet season. The language is revised to change the dry season inspections to annually and the wet season inspections to monthly. This reduced level of inspections is adequate for the purpose of assessing the Permittees compliance with the requirements of Order R5-2011-0005.
- b. Provision D.25 of Order R5-2011-0005 requires the Permittee to submit a revised/functionally updated Development Standards Plan (DSP) consistent with the requirements of the Permit to the Central Valley Water Board. The language is revised to clarify the due date of the DSP.
- c. Attachment E (page 12) of the Permit defines the wet season as the period beginning 1 October through 15 April. Department of Water Resources precipitation gauge data collected from Stockton Fire Station 4 (STK) for the Stockton area shows that the month of May receives an average precipitation of 0.46 inches. This exceeds the 0.25-inch definition of a storm event in the Permit. This Order extends the wet season to 31 May.
- d. Monitoring and Reporting Program, section II.C (page 11) of the Permit describes the urban discharge monitoring to be conducted at several representative outfall locations. A change specific to the East Complex Retention Basin is included in Monitoring and Reporting Program, Section II.E to clarify the “first flush” for the purposes of monitoring the retention basin and make RB monitoring frequency consistent with urban discharge monitoring.
- e. Table A of the Monitoring and Reporting Program identifies and describes the urban discharge monitoring stations. Revisions to Table A are summarized below.
 - i. The drainage description of Retention Basin Outfall Pump Station (RB) in Table A of the Monitoring and Reporting Program is revised to make it consistent with the description in the Port’s Methylmercury Control Study Workplan, approved by the Central Valley Water Board on 14 February 2014.
 - ii. The Permit requires monitoring at stations D-2, D-4, D-10, and D-11. Based on drainage characteristics and review of monitoring data, stations D-2 and D-4 may be combined into one representative monitoring station; similarly D-10 and D-11 may also be combined. Therefore, the Order removes monitoring stations D-4 and D-11, which are fully represented by stations D-2 and D-10, respectively. Table A and other portions of Order R5-2011-0005 are revised to remove stations D-4 and D-11.
- f. Table B1 (Urban Discharge Monitoring Stations) and Table B2 (Retention Basin Inlet and Up-gradient Monitoring Stations) of the Monitoring and Reporting

Program identify the parameters and sample types. Table B1 and Table B2 are revised to:

- i. Require only composite sampling for biochemical oxygen demand (BOD) and chemical oxygen demand (COD) instead of both composite and grab sampling;
 - ii. Add a clarification under "All Stations" that the retention basin (RB) will be sampled using grab instead of composite sampling methods; and
 - iii. Remove duplicative mercury sampling from the heavy metals screen analysis.
- g. The Permittee has submitted data that show non-detects for chlorpyrifos and diazinon since 2011. This Order includes revisions to reduce the frequency of sampling for urban discharge sites to one (1) storm monitoring event and one (1) dry weather monitoring event.
- h. Table B1 of the Monitoring and Reporting Program is revised to correct a typographical error in the sampling type from composite to grab for all parameters monitored at the East Complex Retention Basin (RB).
- i. The Permittee has been monitoring polychlorinated biphenyls (PCBs) and organochlorine pesticides since 2004. Organochlorine pesticides and polychlorinated biphenyls (PCBs) have not been detected in the Port's urban discharge or receiving water monitoring since 2004 (based on 436 urban discharge and 1,120 receiving water samples). Organochlorine pesticides sampling indicates six urban discharge exceedances for DDT, DDE, and DDD and one receiving water exceedance of DDT out of 827 non-detects (urban discharge monitoring) and 2,733 non-detects (receiving water monitoring). Organochlorine pesticides are legacy pesticides that have been banned in the United States and are not stored, used, or produced on Port property. PCBs are mixtures of synthetic organic chemicals that were commonly used for various applications until 1979 when USEPA banned PCB manufacturing. USEPA authorized commercial applications of PCB, such as operation of transformers and maintenance of natural gas pipelines, have not been identified activities at the Port. Because sampling has adequately characterized urban discharge and receiving waters for these constituents, this Order includes revisions to discontinue monitoring for PCBs and organochlorine pesticides. Future monitoring will be considered during the renewal of the MS4 Permit for the Port of Stockton or as part of the Central Valley Water Board's Region MS4 permit development (currently underway). This Order includes revisions to discontinue monitoring for organochlorine pesticides and PCBs.
- j. The Permittee has conducted dioxin and furan sampling to characterize its MS4 discharge. While the sampling has shown detections of furan compounds, dioxin and furan compounds are not stored, used, or produced on Port property. Industrial sources of dioxin and furan compounds, such as incinerators, metal

smelters, cement kilns, coal fired power plants, and chlorinated organic manufacturing have not been identified at the Port. Ongoing monitoring for dioxin and furan compounds is unnecessary, as the discharge has been adequately characterized, and the Port is not identified as a source of the compounds. This Order includes revisions to discontinue regular monitoring for dioxin and furans.

- k. Section II.E. of the Monitoring and Reporting Program for the East Complex Retention Basin Monitoring is revised to change from daily monitoring of the basin (at mid-depth) ~~and inlet~~ during a discharge event to daily monitoring of the outlet during a discharge event. This will provide information on the quality of the MS4 discharge from the basin.
- l. Section I (Dry Weather Field Screening) of the Monitoring and Reporting Program is revised to allow the use of a handheld field meter for chlorine sampling.
- m. Table G of the Monitoring and Reporting Program is revised to clarify the use of minimum levels (MLs) to be consistent with the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (2005). In addition, Table G is revised to reflect MLs appropriate for storm water discharges and receiving water.
- n. Section II.H.4.b of the Monitoring and Reporting Program for toxicity reduction evaluation (TRE) protocols is revised to trigger a TRE Corrective Action Plan once a pollutant or class of pollutants is identified through Toxicity Identification Evaluation and aligned with the trigger for developing a TRE. Currently, the TRE Corrective Action Plan is triggered before knowledge of the pollutant is known and before a second sample is collected indicating the problem is not transient.
- o. Section IV.H.4 of the Monitoring and Reporting Program for standard monitoring provisions is revised to include language specifying the documentation needed for revisions of estimate levels of detections (ELODs).
- p. Section II.B.8, footnote 6 of the Monitoring and Reporting Program for baseline monitoring sampling protocols is revised to clarify the term "dry season" to occur between 1 June and 30 September.
- q. Section II.D of the Monitoring and Reporting Program is modified to remove retention basin inlet (RBI) monitoring from receiving water monitoring. RBI is not an urban discharge or receiving water monitoring location. RBI monitoring is a requirement under the Retention Basin Studies.
- r. Section IV.G of the Monitoring and Reporting Program is revised to cite the appropriate regulatory requirement, 40 CFR 131.38. The current regulatory citation, 65 FED. Reg. 31682, refers to the federal register where the public was notified of the regulation. The regulatory citation should cite the specific codification of the regulation.

m.s. Finding 44 of Attachment A is revised to delete the sentence: "In some circumstances, compliance with the MEP is not limited by the goal of attaining water quality standards". This sentence is repetitive of what is stated in the prior sentence.

7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to modify a NPDES permit (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
8. The Central Valley Water Board has notified the Permittee and interested agencies and persons of its intent to amend Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

Waste Discharge Requirements Order R5-2011-0005 (NPDES No. CAS0084077) is amended as shown in Attachment A. This amendment is **effective immediately upon adoption**.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **XX October 2014**.

PAMELA C. CREEDON, Executive Officer