CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

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ORDER NO. R5-2009-XXXX
NPDES NO. CA0081621

WASTE DISCHARGE REQUIREMENTS FOR THE
DONNER SUMMIT PUBLIC UTILITIES DISTRICT
DONNER SUMMIT PUBLIC UTILITIES DISTRICT WASTEWATER TREATMENT PLANT
NEVADA COUNTY

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

Table 1. Discharger Information

Discharger	Donner Summit Public Utilities District
Name of Facility	Donner Summit Public Utilities District Wastewater Treatment Plant
Facility Address	53823 Sherritt Lane, Soda Springs, CA, 95728
	Nevada County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a **minor** discharge.	

The discharge by the Donner Summit Public Utilities District from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated WWTP Effluent	39º, 20', 04" N	120º, 24', 09" W	South Yuba River
--	Treated WWTP Effluent – Land Applied	--	--	Soda Springs Ski Area
--	Treated WWTP Effluent – Reclaimed	--	--	Soda Springs Ski Area South Yuba River

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	**<Adoption Date>**
This Order shall become effective on:	**<Effective Date>**
This Order shall expire on:	**<Expiration Date>**
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	**180 days prior to the Order expiration date**

IT IS HEREBY ORDERED, that Order No. **R5-2002-0088** and Cease and Desist Order No. **R5-2002-0089** are rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

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I, PAMELA C. CREEDON, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **<Adoption Date>**.

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PAMELA C. CREEDON, Executive Officer

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I. FACILITY INFORMATION

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

Table 4. Facility Information

Discharger	Donner Summit Public Utilities District
Name of Facility	Donner Summit Public Utilities District Wastewater Treatment Plant
Facility Address	53823 Sherritt Lane
	Soda Springs, CA, 95728
	Nevada County
Facility Contact, Title, and Phone	Thomas Skjelstad, General Manager, (530) 426-3456
Mailing Address	P.O. Box 610, Soda Springs, CA, 95728
Type of Facility	Publicly Owned Treatment Works
Facility Design Flow	0.52 million gallons per day

II. FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (hereinafter Regional Water Board), finds:

A. Background. The Donner Summit Public Utilities District (hereinafter Discharger) is currently discharging pursuant to Waste Discharge Requirements (WDR) Order No. R5-2002-0088 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0081621. The Discharger submitted a Report of Waste Discharge, dated 24 April 2007**,** and applied for a NPDES permit renewal to discharge up to 0.52 mgd of treated wastewater from the Donner Summit Public Utilities District Wastewater Treatment Plant**,** hereinafter Facility. The application was deemed complete on 24 April 2007.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein. This Order provides discharge limitations, requirements and prohibitions for up to 0.52 mgd of treated wastewater from the Facility to the South Yuba River. This Order prohibits a discharge greater then the existing regulated flow, based on an average dry weather flow, however, does not restrict the Discharger from serving new customers with its existing capacity.

B. Facility Description. The Discharger owns and operates a wastewater collection, treatment, and disposal system and currently provides sewerage service to the Norden and Soda Springs areas, the Sugar Bowl and Soda Springs Ski Resorts, the Serene Lakes Subdivision, the Sierra Lakes Community Water District (SLCWD). The treatment system consists of an equalization tank, preliminary treatment, a conventional activated sludge process utilizing two Walker-type package treatment plants, three single-media

tertiary filters, and disinfection and dechlorination facilities. A 1.56 million gallon storage tank provides three days of emergency storage of treatment effluent and is also used for spray irrigation operational storage during the summer and potential snow making operational storage in the winter. Wastewater is discharged from Discharge Point 001 (see table on cover page) to the South Yuba River, a water of the United States, and a tributary to Yuba River (sources to Englebright Reservoir) within Yuba River Hydrologic Unit, South Yuba HA, and North Bloomfield HSA. During dry weather periods, effluent is discharged to land at discharge location LND-01. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

The Facility is operated to treat the varying influent flows during the winter ski season and the infiltration and inflow for spring time snow melt. The varying influent flows are accompanied by varying organic loads to the system due to the fluctuation of occupancy at the ski resorts within the service area. The higher influent flows and organic loadings occur during low temperature time periods when the metabolic rate of the biological organisms that treat the wastewater for ammonia removal (nitrification and denitrification). The higher organic loading rate provides the necessary "food" for the organisms within the biological treatment system to stabilize the biological oxygen demand and nitrify/denitrify the wastewater. During periods of low organic loading due to low tourism within the service area, ammonia is added to the wastewater to maintain the appropriate food-to-microorganism ratio necessary for the nitrification and denitrification process.

C. Legal Authorities. This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges of up to 0.52 mgd, as an average dry weather flow, from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

D. Background and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E are also incorporated into this Order.

E. California Environmental Quality Act (CEQA). Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.

F. Technology-based Effluent Limitations. Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of

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Federal Regulations (CFR)[1] require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. This Order includes technology-based effluent limitations based on tertiary treatment or equivalent requirements that meet both the technology-based secondary treatment standards for POTWs and protect the beneficial uses of the receiving waters. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. Water Quality-based Effluent Limitations. Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. This Order contains requirements, expressed as a technology equivalence requirement, more stringent than secondary treatment requirements that are necessary to meet applicable water quality standards. The Regional Water Board has considered the factors listed in CWC Section 13241 in establishing these requirements. The rationale for these requirements, which consist of tertiary treatment or equivalent requirements, is discussed in the Fact Sheet.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) 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 the State's narrative criterion, supplemented with other relevant information, as provided in 40 CFR section 122.44(d)(1)(vi).

H. Water Quality Control Plans. The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised August 2006), for the Sacramento and San Joaquin River Basins* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan at page II-2.00 states that the "…*beneficial uses of any specifically identified water body generally apply to its tributary streams*." The Basin Plan does not specifically identify beneficial uses for South Yuba River, but does identify present and potential uses for Yuba River (sources to Englebright Reservoir), to which South Yuba River, is tributary. These beneficial uses are as follows: municipal and domestic supply; agricultural supply, including stock watering; navigation; hydropower generation; water contact recreation, including canoeing and rafting; non-contact water recreation, including aesthetic enjoyment; commercial and sport fishing; aquaculture; cold freshwater habitat; cold spawning, reproduction, and /or early development; and wildlife habitat.

[1] All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

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In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Thus, as discussed in detail in the Fact Sheet, beneficial uses applicable to South Yuba River are as follows:

Table 5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
RSW REC	**South Yuba River**	Existing: Municipal and domestic water supply (MUN). Agricultural supply (AGR); Hydropower generation (POW); Contact (REC-1) and non-contact (REC-2) water recreation; Cold freshwater habitat (COLD); Spawning, Reproduction, and /or Early Development (SPWN); Navigation (NAV); Wildlife habitat (WILD); Freshwater replenishment (FRESH).
LND REC	**Groundwater**	Municipal and domestic water supply (MUN). Agricultural supply (AGR); Industrial service supply (IND); Industrial process supply (PRO).

Requirements of this Order implement the Basin Plan.

I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

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

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implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

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K. **Compliance Schedules and Interim Requirements.** In general, an NPDES permit must include final effluent limitations that are consistent with Clean Water Act section 301 and with 40 CFR 122.44(d). There are exceptions to this general rule. The State Water Board has concluded that where the Regional Water Board's Basin Plan allows for schedules of compliance and the Regional Water Board is newly interpreting a narrative standard, it may include schedules of compliance in the permit to meet effluent limits that implement a narrative standard. See In the Matter of Waste Discharge Requirements for Avon Refinery (State Board Order WQ 2001-06 at pp. 53-55). See also Communities for a Better Environment et al. v. State Water Resources Control Board, 34 Cal.Rptr.3d 396, 410 (2005). The Basin Plan for the Sacramento and San Joaquin Rivers includes a provision that authorizes the use of compliance schedules in NPDES permits for water quality objectives that are adopted after the date of adoption of the Basin Plan, which was September 25, 1995 (See Basin Plan at page IV-16). Consistent with the State Water Board's Order in the CBE matter, the Regional Water Board has the discretion to include compliance schedules in NPDES permits when it is including an effluent limitation that is a "new interpretation" of a narrative water quality objective. This conclusion is also consistent with the United States Environmental Protection Agency policies and administrative decisions. See, e.g., Whole Effluent Toxicity (WET) Control Policy. The Regional Water Board, however, is not required to include a schedule of compliance, but may issue a Time Schedule Order pursuant to Water Code section 13300 or a Cease and Desist Order pursuant to Water Code section 13301 where it finds that the discharger is violating or threatening to violate the permit. The Regional Water Board will consider the merits of each case in determining whether it is appropriate to include a compliance schedule in a permit, and, consistent with the Basin Plan, should consider feasibility of achieving compliance, and must impose a schedule that is as short as practicable to achieve compliance with the objectives, criteria, or effluent limit based on the objective or criteria.

For CTR constituents, Section 2.1 of the SIP provides that, based on a Discharger's request and demonstration that it is infeasible for an existing Discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation that exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order includes compliance schedules and interim effluent limitations. A detailed discussion of the basis for the compliance schedule(s) and interim effluent limitation(s) and/or discharge specifications is included in the Fact Sheet.

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L. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

M. **Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on BOD_5 and TSS. The water quality-based effluent limitations consist of restrictions on aluminum, ammonia, copper, cyanide, dichlorobromomethane, manganese, nitrate, and zinc. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are necessary to meet water quality standards. These limitations are more stringent than required by the CWA. Specifically, this Order includes effluent limitations for BOD, TSS and pathogens and performance specifications for turbidity that are more stringent than applicable federal standards, but that are nonetheless necessary to meet numeric objectives or protect beneficial uses. The rationale for including these limitations and specifications are explained in the Fact Sheet. In addition, the Regional Water Board has considered the factors in Water Code section 13241 in establishing these requirements.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the CTR-SIP, which was approved by USEPA on 1 May 2001. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "*applicable water quality standards for purposes of the [Clean Water] Act*" pursuant to 40 CFR section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

N. **Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 is consistent with the federal antidegradation policy

where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet the permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

O. Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. Some effluent limitations in this Order are less stringent that those in the previous Order. As discussed in detail in the Fact Sheet this relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

P. Monitoring and Reporting. Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

Q. Standard and Special Provisions. Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

R. Provisions and Requirements Implementing State Law. The provisions/requirements in subsections IV.B, IV.C, V.B, and VI.C of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.

S. Notification of Interested Parties. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.

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T. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

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III. DISCHARGE PROHIBITIONS

A. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.

B. Discharge of wastewater to the South Yuba River from discharge point EFF-001 from 1 August to 30 September is prohibited.

C. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).

D. Neither the discharge nor its treatment shall create a nuisance as defined in Section 13050 of the California Water Code.

E. The Discharger shall not allow pollutant-free wastewater to be discharged into the collection, treatment, and disposal system in amounts that significantly diminish the system's capability to comply with this Order. Pollutant-free wastewater means rainfall, groundwater, cooling waters, and condensates that are essentially free of pollutants.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

The discharge of effluent to the South Yuba River shall occur only during the months of October through July and only when weather or snow conditions preclude land disposal. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP (Attachment E):

a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD 5-day @ 20 ° C	mg/L	10	15	30	--	--
	lbs/day[1]	43	65	130	--	--
pH	standard units	--	--	--	6.5	8.0
Total Suspended Solids (TSS)	mg/L	10	15	30	--	--
	lbs/day[1]	43	65	130	--	--
Aluminum	ug/L	71	--	143	--	--
Ammonia	mg/L	2.1	--	5.6	--	--
Copper, Total Recoverable	ug/L	1.5	--	3.1	--	--
Cyanide	ug/L	4.3	--	8.5	--	--
Aldrin	ug/L	--	--	--	--	ND
Alpha BHC	ug/L	--	--	--	--	ND
Dichlorobromomethane	ug/L	14	--	28	--	--
Nitrate	mg/L	18	--	--	--	--
	lbs/day[1]	78	--	--	--	--
Silver	ug/L	--	--	--	--	0.23
Zinc, Total Recoverable	ug/L	15	--	30	--	--

1. Based on the regulated average dry weather flow of 0.52 mgd.

~~1.~~b. **Percent Removal:** The average monthly percent removal of BOD 5-day 20°C and total suspended solids shall not be less than 85 percent.

~~2.~~c. **Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

i. 70%, minimum for any one bioassay; and
ii. 90%, median for any three consecutive bioassays.

~~3.~~d. **Total Residual Chlorine.** Effluent total residual chlorine shall not exceed:

i. 0.01 mg/L, as a 4-day average;
ii. 0.02 mg/L, as a 1-hour average;

~~4.~~e. **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed:

i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
ii. 23 MPN/100 mL, more than once in any 30-day period; and
iii. 240 MPN/100 mL, at any time.

~~5.~~f. **Average Dry Weather Flow.** The Average Dry Weather Flow shall not exceed 0.52 mgd.

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~~6.~~g. **Electrical Conductivity (EC).** The annual average EC level in the effluent shall not exceed the EC level (umhos/cm) in the water supply plus 500.

~~7.~~h. **Manganese.** The annual average manganese concentration in the effluent shall not exceed 50 µg/L.

~~8.~~i. **Chronic Whole Effluent Toxicity.** There shall be no chronic toxicity in the effluent discharge.

2. Interim Effluent Limitations

a. During the period **beginning with the effective date of this Order, and ending with the expiration date of this Order**, the Discharger shall maintain compliance with the following interim limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP. The interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.

Table 7a. Interim Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Aluminum	ug/L	--	--	1930	--	--
Manganese	ug/L	--	--	275	--	--

B. Land Discharge Specifications – Discharge Point LND-1

1. The monthly average discharge flow shall not exceed 0.52 mgd.

2. The discharge of waste classified as “hazardous” as defined in section 2521(a) of Title 23, California Code of Regulations (CCR), or “designated”, as defined in section 13173 of the CWC, to the treatment ponds is prohibited.

3. The discharge or runoff of effluent from the spray irrigation to surface water drainage courses is prohibited.

4. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas *(or property owned by the Discharger)*.

5. There shall be no standing water in the disposal area 12 hours after wastewater is applied.

6. Ponds shall be managed to prevent breeding of mosquitoes. In particular,

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- An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.
- Weeds shall be minimized.
- Dead algae, vegetation, and debris shall not accumulate on the water surface.

7. As a means of discerning compliance with Land Discharge Specification 4, the dissolved oxygen content in the upper zone (1 foot) of wastewater in ponds shall not be less than 1.0 mg/L.
8. Ponds shall not have a pH less than 6.5 or greater than 8.5.
9. The discharge shall be distributed uniformly on adequate acreage in compliance with the Discharge Specifications. All tail water must be returned to the spray fields or treatment facilities.
10. Hydraulic loading of wastewater shall be at reasonable agronomic rates designed to minimize the percolation of process wastewater below the root zone (*i.e.*, deep percolation).
11. Public contact with effluent shall be precluded through such means as fences, signs, and other acceptable alternatives.
12. Areas irrigated with effluent shall be managed to prevent breeding of mosquitoes. More specifically:
    a. All applied irrigation water must infiltrate completely within 24 hours.
    b. Ditches not serving as wildlife habitat should be maintained free of emergent, marginal, and floating vegetation.
    c. Low-pressure and un-pressurized pipelines and ditches, which are accessible to mosquitoes, shall not be used to store reclaimed water.
13. Discharges to the spray irrigation fields shall be managed to minimize erosion. Runoff from the disposal area must be captured and returned to the treatment facilities or spray fields.
14. There shall be no standing water in the disposal area 24 hours after wastewater is applied.
15. The Discharger may not discharge effluent to the disposal fields 24 hours before precipitation, during periods of precipitation, and for at least 24 hours after cessation of precipitation, or when soils are saturated.
16. A 50-foot buffer zone shall be maintained between any watercourse and the wetted area produced during irrigation used for effluent disposal.

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17. A 100-foot buffer zone shall be maintained between any spring, domestic well or irrigation well and the wetted area produced during irrigation used for effluent disposal.

18. A 50-foot buffer zone shall be maintained between effluent disposal areas and all property boundaries.

19. The Discharger shall maintain compliance with the following limitations at LND-1, with compliance measured at Monitoring Location LND-1 as described in the attached MRP:

Table 8. Land Discharge Specifications

Parameter	Units	Discharge Specifications		
		Average Monthly	Median Monthly	Maximum Daily
BOD 5-day @ 20 ° C	mg/L	30	--	60
	lbs/day[1]	130	--	260
Settleable Solids	mL/L	0.2	--	0.5
Total Suspended Solids	mg/L	30	--	60
	lbs/day[1]	130	--	260
Total Coliform Organisms	MPN/100 ml	--	23	240
		Annual Average		
Electrical Conductivity (EC)	umhos/cm	Water Supply EC Plus 500		

[1] Based on the regulated average dry weather flow of 0.52 mgd.

C. Reclamation Specifications – Discharge Point REC-1 (Snowmaking)

1. The tertiary reclaimed water shall, at minimum, be adequately oxidized, coagulated, filtered, and disinfected. The median concentration of total coliform bacteria measured in the disinfected effluent shall not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria shall not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30-day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

2. Disinfected tertiary treated wastewater for unrestricted use shall be continuously sampled for turbidity using a continuous turbidity meter and recorder at a point prior to filtration and again following filtration. Turbidity measurements shall be based on a reading and recording of the turbidity strip charts or computer records at four-hour intervals at least once per day. Compliance with the daily average operating turbidity shall be determined by averaging the results of all four-hour turbidity samples read during the day. The results of daily average turbidity determinations shall be reported monthly to the Board, except non-compliance shall be reported immediately. The turbidity of the filter effluent shall not exceed 2 NTU as a daily average or 5 NTU at any time. Reclaimed water in excess of the turbidity limits shall not enter the reclamation distribution system. An automated distribution system bypass shall be provided.

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3. Neither the treatment nor the use of reclaimed water shall cause a pollution or nuisance as defined by Section 13050 of the CWC.

4. The use of reclaimed water shall not cause degradation of groundwater or any water supply.

5. Reclaimed water shall be managed in conformance with the regulations contained in Title 22, Division 4, Chapter 3, CCR.

6. All reclamation equipment, pumps, piping, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All reclamation distribution system piping shall be purple or adequately wrapped with purple tape.

7. Perimeter warning signs indicating that reclaimed water is in use shall be posted as prescribed in the User's Reclamation Plan that is subject to approval by the Board and the Department of Public Health (DPH).

8. Reclaimed water shall not be allowed to escape from the authorized use areas by airborne spray or by surface flow except in minor amounts such as associated with good irrigation practices.

9. There shall be at least a ten-foot horizontal and one foot vertical separation at crossing between all pipelines transporting reclaimed water and those transporting domestic supply, with the domestic supply above the reclaimed water pipeline, unless approved by the DPH. All construction standards for the reclaimed water system shall be submitted to DPH as part of the Title 22 Engineers Report for Reclaimed Water System. The Discharge shall not commence use of reclaimed water until DPH has approved the Title 22 Engineers Report for the reclamation system construction and operation.

10. There shall be no cross-connection between potable water supply and piping containing reclaimed water. Supplementing reclaimed water with potable shall not be allowed except through an air-gap separation, or if approved by the Department, a reduced pressure principle backflow device.

11. The reclaimed water piping system shall not include any hose bibs, except at the treatment plant, on hose bibs with appropriate signage.

12. Disinfection of tertiary treated wastewater shall be accomplished by a chlorine disinfection process that provides a CT (chlorine concentration times modal contact time) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak daily design flow.

13. As required by Title 22, the coagulation system shall be used whenever the plant is producing tertiary treated wastewater for unrestricted use. For the purpose of maintenance and repair of the system, the Discharger is allowed to have the

coagulation system off-line for short periods of time (up to 30 minutes for each occurrence), when the turbidity of the influent to the tertiary treatment plant is less than 5 NTU.

14. Use of reclaimed wastewater is restricted to snowmaking at Soda Spring Ski Area. Prior to commencing with the snowmaking operation using reclaimed water, the Discharger will be required approval of the Department of Public Health (DPH). As part of the approval process the Discharger will be required to prepare a Title 22 Engineering Report for the Production, Distribution, and Reuse of Recycled Water.

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V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in South Yuba River:

1. **Bacteria**. The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, to exceed a geometric mean of 200 MPN/100 mL, nor more than ten percent of the total number of fecal coliform samples taken during any 30-day period to exceed 400 MPN/100 mL.

2. **Biostimulatory Substances**. Water to contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.

3. **Chemical Constituents**. Chemical constituents to be present in concentrations that adversely affect beneficial uses.

4. **Color**. Discoloration that causes nuisance or adversely affects beneficial uses.

5. **Dissolved Oxygen**:

   a. The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water mass;
   b. The 95 percentile dissolved oxygen concentration to fall below 75 percent of saturation; nor
   c. The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time.

6. **Floating Material**. Floating material to be present in amounts that cause nuisance or adversely affect beneficial uses.

7. **Oil and Grease**. Oils, greases, waxes, or other materials to be present in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

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8. **pH**. The pH to be depressed below 6.5, raised above 8.5, nor changed by more than 0.5units.

9. **Pesticides**:

   a. Pesticides to be present, individually or in combination, in concentrations that adversely affect beneficial uses;
   b. Pesticides to be present in bottom sediments or aquatic life in concentrations that adversely affect beneficial uses;
   c. Total identifiable persistent chlorinated hydrocarbon pesticides to be present in the water column at concentrations detectable within the accuracy of analytical methods approved by USEPA or the Executive Officer.
   d. Pesticide concentrations to exceed those allowable by applicable antidegradation policies (see State Water Board Resolution No. 68-16 and 40 CFR §131.12.).
   e. Pesticide concentrations to exceed the lowest levels technically and economically achievable.
   f. Pesticides to be present in concentration in excess of the maximum contaminant levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.
   g. Thiobencarb to be present in excess of 1.0 µg/L.

10. **Radioactivity**:

   a. Radionuclides to be present in concentrations that are harmful to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

   b. Radionuclides to be present in excess of the maximum contaminant levels specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations.

11. **Suspended Sediments**. The suspended sediment load and suspended sediment discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

12. **Settleable Substances**. Substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.

13. **Suspended Material**. Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.

14. **Taste and Odors**. Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses**.**

15. **Temperature**. The natural temperature to be increased by more than 5°F.

16. **Toxicity**. Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.

17. **Turbidity**. The turbidity to increase as follows:

    a. More than 1 Nephelometric Turbidity Unit (NTU) where natural turbidity is between 0 and 5 NTUs.
    b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
    c. More than 10 NTU where natural turbidity is between 50 and 100 NTUs.
    d. More than 10 percent where natural turbidity is greater than 100 NTUs.

B. Groundwater Limitations

Release of waste constituents from any storage, treatment, or disposal component associated with the WWTP, in combination with other sources, shall not cause the underlying groundwater to contain waste constituents in concentrations greater than background water quality.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

2. The Discharger shall comply with the following provisions:

    a. If the Discharger's wastewater treatment plant is publicly owned or subject to regulation by California Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to Title 23, CCR, Division 3, Chapter 26.

    b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

        i. violation of any term or condition contained in this Order;

        ii. obtaining this Order by misrepresentation or by failing to disclose fully all relevant facts;

        iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and

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iv. a material change in the character, location, or volume of discharge.

The causes for modification include:

- *New regulations.* New regulations have been promulgated under Section 405(d) of the Clean Water Act, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.

- *Land application plans.* When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

- *Change in sludge use or disposal practice.* Under 40 Code of Federal Regulations (CFR) 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Regional Water Board may review and revise this Order at any time upon application of any affected person or the Regional Water Board's own motion.

c. If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Regional Water Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

   The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified.

d. This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:

   i. contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or

   ii. controls any pollutant limited in the Order.

   The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

e. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.

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f. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.

g. The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by USEPA under Section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.

h. The discharge of any radiological, chemical or biological warfare agent or high-level, radiological waste is prohibited.

i. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.

j. Safeguard to electric power failure:

   i. The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.

   ii. Upon written request by the Regional Water Board the Discharger shall submit a written description of safeguards. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past five years on effluent quality and on the capability of the Discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Regional Water Board.

   iii. Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Regional Water Board not approve the existing safeguards, the Discharger shall, within ninety days of having been advised in writing by the Regional Water Board that the existing safeguards are inadequate, provide to the Regional Water Board and USEPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Regional Water Board, become a condition of this Order.

k. The Discharger, upon written request of the Regional Water Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under Regional Water Board Standard Provision VI.A.2.m.

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The technical report shall:

i. Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.

ii. Evaluate the effectiveness of present facilities and procedures and state when they became operational.

iii. 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.

The Regional Water Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

l. A publicly owned treatment works (POTW) whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the Discharger shall notify the Regional Water Board by 31 January. A copy of the notification shall be sent to appropriate local elected officials, local permitting agencies and the press. Within 120 days of the notification, the Discharger shall submit a technical report showing how it will prevent flow volumes from exceeding capacity or how it will increase capacity to handle the larger flows. The Regional Water Board may extend the time for submitting the report.

m. The Discharger shall submit technical reports as directed by the Executive Officer. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

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n. Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Regional Water Board and USEPA.

o. The Discharger shall conduct analysis on any sample provided by USEPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to USEPA's DMQA manager.

p. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.

q. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their continued accuracy.

r. The Discharger shall file with the Regional Water Board technical reports on self-monitoring performed according to the detailed specifications contained in the Monitoring and Reporting Program attached to this Order.

s. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order. Unless otherwise specified, discharge flows shall be reported in terms of the monthly average and the daily maximum discharge flows.

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

u. For POTWs, prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (CWC section 1211).

v. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, 1-hour average effluent limitation, or receiving water limitation contained in this Order, the Discharger shall notify the Regional Water Board by telephone (916) 464-3291 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall include the information required by Attachment D, Section V.E.1 [40 CFR section 122.41(l)(6)(i)].

B. Monitoring and Reporting Program (MRP) Requirements

a. The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions

a. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.

b. Conditions that necessitate a major modification of a permit are described in 40 CFR section 122.62, including:

   i. If new or amended applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, this permit may be reopened and modified in accordance with the new or amended standards.

   ii. When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.

c. **Pollution Prevention.** This Order requires the Discharger prepare pollution prevention plans following CWC section 13263.3(d)(3) for aluminum and manganese. Based on a review of the pollution prevention plans, this Order may be reopened for addition and/or modification of effluent limitations and requirements for these constituents.

d. **Whole Effluent Toxicity.** As a result of a Toxicity Reduction Evaluation (TRE), this Order may be reopened to include a chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE. Additionally, if the State Water Board revises the SIP's toxicity control provisions that would require the establishment of numeric chronic toxicity effluent limitations, this Order may be reopened to include a numeric chronic toxicity effluent limitation based on the new provisions.

e. **Mixing Zone.** This Order requires the Discharger to replace its existing side-stream rock diffuser with a new cross-stream diffuser designed to rapidly and completely mix the effluent and the receiving water. This Order additionally requires the Discharger to conduct and submit a mixing zone study to determine the resulting boundaries of a mixing zone corresponding with the cross-stream diffuser. This Order may be reopened to add or modify effluent limitations, requirements and provisions based on new mixing zone information.

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f. **Biostimulatory Substances Study.** This Order requires the Discharger to conduct studies of the discharge and receiving water to evaluate the impact of the discharge on aquatic growths. Based upon the results of the initial studies, the Discharger will be required to conduct a study on feasible alternatives to eliminate or reduce any impacts. This Order may be reopened to address biostimulatory issues, which could include imposition of new or more stringent effluent limitations, or other limitations on the manner and location of discharge to the receiving water.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. **Chronic Whole Effluent Toxicity.** For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Discharger to conduct chronic whole effluent toxicity testing, as specified in the Monitoring and Reporting Program (Attachment E, Section V.). Furthermore, this Provision requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. If the discharge exceeds the toxicity numeric monitoring trigger established in this Provision, the Discharger is required to initiate a Toxicity Reduction Evaluation (TRE), in accordance with an approved TRE Work Plan, and take actions to mitigate the impact of the discharge and prevent reoccurrence of toxicity. A TRE is a site-specific study conducted in a stepwise process to identify the source(s) of toxicity and the effective control measures for effluent toxicity. TREs are designed to identify the causative agents and sources of whole effluent toxicity, evaluate the effectiveness of the toxicity control options, and confirm the reduction in effluent toxicity. This Provision includes requirements for the Discharger to develop and submit a TRE Work Plan and includes procedures for accelerated chronic toxicity monitoring and TRE initiation.

i. **Toxicity Reduction Evaluation (TRE) Work Plan.** Within 90 days of the effective date of this Order, the Discharger shall submit to the Regional Water Board a TRE Work Plan for approval by the Executive Officer. The TRE Work Plan shall outline the procedures for identifying the source(s) of, and reducing or eliminating effluent toxicity. The TRE Work Plan must be developed in accordance with EPA guidance[2] and be of adequate detail to allow the Discharger to immediately initiate a TRE as required in this Provision.

ii. **Accelerated Monitoring and TRE Initiation.** When the numeric toxicity monitoring trigger is exceeded during regular chronic toxicity monitoring, and the testing meets all test acceptability criteria, the Discharger shall initiate accelerated monitoring as required in the Accelerated Monitoring Specifications. WET testing results exceeding the monitoring trigger during

[2] See Attachment F (Fact Sheet) Section VII.B.2.a. for a list of EPA guidance documents that must be considered in development of the TRE Workplan.

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accelerated monitoring demonstrates a pattern of toxicity and requires the Discharger to initiate a TRE to address the effluent toxicity.

iii. **Numeric Monitoring Trigger.** The numeric toxicity monitoring trigger is > **1 TUc** (where TUc = 100/NOEC). The monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Discharger is required to begin accelerated monitoring and initiate a TRE.

iv. **Accelerated Monitoring Specifications.** If the monitoring trigger is exceeded during regular chronic toxicity testing, within 14-days of notification by the laboratory of the test results, the Discharger shall initiate accelerated monitoring. Accelerated monitoring shall consist of four (4) chronic toxicity tests in a six-week period (i.e. one test every two weeks) using the species that exhibited toxicity. The following protocol shall be used for accelerated monitoring and TRE initiation:

a) If the results of four (4) consecutive accelerated monitoring tests do not exceed the monitoring trigger, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring. However, notwithstanding the accelerated monitoring results, if there is adequate evidence of a pattern of effluent toxicity, the Executive Officer may require that the Discharger initiate a TRE.

b) If the source(s) of the toxicity is easily identified (i.e. temporary plant upset), the Discharger shall make necessary corrections to the facility and shall continue accelerated monitoring until four (4) consecutive accelerated tests do not exceed the monitoring trigger. Upon confirmation that the effluent toxicity has been removed, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring.

c) If the result of any accelerated toxicity test exceeds the monitoring trigger, the Discharger shall cease accelerated monitoring and initiate a TRE to investigate the cause(s) of, and identify corrective actions to reduce or eliminate effluent toxicity. Within thirty (30) days of notification by the laboratory of the test results exceeding the monitoring trigger during accelerated monitoring, the Discharger shall submit a TRE Action Plan to the Regional Water Board including, at minimum:

1) Specific actions the Discharger will take to investigate and identify the cause(s) of toxicity, including TRE WET monitoring schedule;

2) Specific actions the Discharger will take to mitigate the impact of the discharge and prevent the recurrence of toxicity; and

3) A schedule for these actions.

Within sixty (60) days of notification by the laboratory of the test results, the Discharger shall submit to the Regional Water Board a TRE Work Plan for approval by the Executive Officer. The TRE Work Plan shall outline

the procedures for identifying the source(s) of, and reducing or eliminating effluent toxicity. The TRE Work Plan must be developed in accordance with EPA guidance[3].

b. **Cross-Stream Diffuser.** This Order requires the Discharger to replace its existing side-stream rock diffuser with a new cross-stream diffuser designed to rapidly and completely mix the effluent and the receiving water. The existing outfall location does not create completely mixed effluent discharge conditions. Rapid and complete mixing of effluent within the receiving water mitigates areas of higher pollutant concentrations where the mixing of receiving water and effluent is not occurring. This Provision includes requirements for the Discharger to develop and submit a project Work Plan.

i. **Cross-Stream Diffuser Work Plan.** Within 6 Months of the adoption date of this Order, the Discharger shall submit to the Regional Water Board a Work Plan for approval by the Executive Officer. The Work Plan shall outline the design and construction schedule for installation of the cross-stream diffuser.

ii. Within 18 months of the approval of the Work Plan, the Discharger shall submit to the Regional Water Board a report detailing the status of the cross-stream diffuser and mixing zone study discussed below.

iii. The cross-stream diffuser shall be installed and operational within 3 Years of the adoption date of this Order.

c. **Mixing Zone Study.** Within 6 Months of the adoption date of this Order, the Discharger shall submit to the Regional Water Board a work plan for conducting a mixing zone study once the cross-stream diffuser is operational. Within 12 Months after installation of the cross-stream diffuser, the Discharger shall conduct and submit to the Regional Water Board a mixing zone study to determine the resulting boundaries of a mixing zone corresponding with the cross-stream diffuser once it is operational.

3. Best Management Practices and Pollution Prevention

a. **Salinity Evaluation and Minimization Report.** The Discharger shall prepare a salinity evaluation and minimization report that documents that the Discharger has evaluated all opportunities to control the discharge of salinity from the Facility. The report shall be completed and submitted to the Regional Water Board within 9 months of the adoption date of this Order for approval by the Executive Officer.

b. **Pollution Prevention Plan for aluminum and manganese.** The Discharger shall prepare and implement a pollution prevention plan for aluminum and

[3] See Attachment F (Fact Sheet) Section VII.B.2.a. for a list of EPA guidance documents that must be considered in development of the TRE Workplan.

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manganese in accordance with CWC section 13263.3(d)(3). The minimum requirements for the pollution prevention plan are outlined in the Fact Sheet, Attachment F. A work plan and time schedule for preparation of the pollution prevention plan shall be completed and submitted **within 6 months of the effective date of this Order** for approval by the Executive Officer. The Pollution Prevention Plan shall be completed and submitted to the Regional Water Board **within two (2) years following work plan approval by the Executive Officer**, and progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.).

4. Construction, Operation and Maintenance Specifications

5. Special Provisions for Municipal Facilities (POTWs Only)

a. **Sludge/Biosolids Discharge Specifications**

i. Collected screenings, residual sludge, biosolids, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer, and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste,* as set forth in Title 27, CCR, Division 2, Subdivision 1, section 20005, et seq. Removal for further treatment, disposal, or reuse at sites (i.e., landfill, composting sites, soil amendment sites) that are operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy these specifications.

ii. Sludge and solid waste shall be removed from screens, sumps, ponds, clarifiers, etc. as needed to ensure optimal plant performance.

iii. The treatment of sludge generated at the Facility shall be confined to the Facility property and conducted in a manner that precludes infiltration of waste constituents into soils in a mass or concentration that will violate Groundwater Limitations V.B. In addition, the storage of residual sludge, solid waste, and biosolids on Facility property shall be temporary and controlled, and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate Groundwater Limitations V.B.

iv. The use and disposal of biosolids shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503. If the State Water Board and the Regional Water Board are given the authority to implement regulations contained in 40 CFR 503, this Order may be reopened to incorporate appropriate time schedules and technical standards. The Discharger must comply with the standards and time schedules contained in 40 CFR 503 whether or not they have been incorporated into this Order.

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b. **Biosolids Disposal Requirements**

i. The Discharger shall comply with the Monitoring and Reporting Program for biosolids disposal contained in Attachment E.

ii. Any proposed change in biosolids use or disposal practice from a previously approved practice shall be reported to the Executive Officer and U.S. EPA Regional Administrator at least 90 days in advance of the change.

iii. The Discharger is encouraged to comply with the "Manual of Good Practice for Agricultural Land Application of Biosolids" developed by the California Water Environment Association.

c. **Biosolids Storage Requirements**

i. Facilities for the storage of Class B biosolids shall be located, designed and maintained to restrict public access to biosolids.

ii. Biosolids storage facilities shall be designed and maintained to prevent washout or inundation from a storm or flood with a return frequency of 100 years.

iii. Biosolids storage facilities, which contain biosolids, shall be designed and maintained to contain all storm water falling on the biosolids storage area during a rainfall year with a return frequency of 100 years.

iv. Biosolids storage facilities shall be designed, maintained and operated to minimize the generation of leachate.

d. **Collection System.** On May 2, 2006, the State Water Board adopted State Water Board Order 2006-0003, a Statewide General WDR for Sanitary Sewer Systems. The Discharger shall be subject to the requirements of Order 2006-0003 and any future revisions thereto. Order 2006-0003 requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the General WDR.

Regardless of the coverage obtained under Order 2006-0003, the Discharger's collection system is part of the treatment system that is subject to this Order. As such, pursuant to federal regulations, the Discharger must properly operate and maintain its collection system [40 CFR section 122.41(e)], report any non-compliance [40 CFR section 122.41(l)(6) and (7)], and mitigate any discharge from the collection system in violation of this Order [40 CFR. section 122.41(d)].

e. **Turbidity Operational Requirements.** The Discharger shall operate the treatment system to ensure that the turbidity measured at EFF-001, as described in the MRP (Attachment E), shall not exceed:

- 2 NTU as a daily average, and

- 5 NTU more than 5 percent of the time within a 24-hour period, and
- 10 NTU, at any time.

f. This permit, and the Monitoring and Reporting Program which is a part of this permit, requires that certain parameters be monitored on a continuous basis. The wastewater treatment plant is not staffed on a full time basis. Permit violations or system upsets can go undetected during this period. The Discharger is required to establish an electronic system for operator notification for continuous recording device alarms. For existing continuous monitoring systems, the electronic notification system shall be installed **within six months of adoption** of this permit. For systems installed following permit adoption, the notification system shall be installed simultaneously.

6. Other Special Provisions

a. Wastewater shall be oxidized, coagulated, filtered, and adequately disinfected pursuant to the DHS reclamation criteria, California Code of Regulations, Title 22, Division 4, Chapter 3, (Title 22), or equivalent.

b. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Regional Water Board and a statement. The statement shall comply with the signatory and certification requirements in the Federal Standard Provisions (Attachment D, Section V.B.) and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

7. Compliance Schedules

a. **Compliance Schedules for Final Effluent Limitations for aluminum and manganese.**

i. **By the expiration date of this Order (five years),** the Discharger shall comply with the final effluent limitations for aluminum and manganese. On 30 September 2008, the Discharger submitted a compliance schedule justification for aluminum and manganese. The compliance schedule justification included all items specified in Paragraph 3, items (a) through (d), of section 2.1 of the SIP. As this compliance schedule is greater than one

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year, the Discharger shall submit semi-annual progress reports in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.)

ii. **Corrective Action Plan/Implementation Schedule.** The Discharger shall submit to the Regional Water Board a corrective action plan and implementation schedule to assure compliance with the final effluent limitations for aluminum and manganese **within six months from the effective date of this Order**.

iii. **Pollution Prevention Plan.** The Discharger shall prepare and implement a pollution prevention plan for aluminum and manganese, in accordance with CWC section 13263.3(d)(3). The minimum requirements for the pollution prevention plan are outlined in the Fact Sheet, Attachment F. A work plan and time schedule for preparation of the pollution prevention plan shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The Pollution Prevention Plan shall be completed and submitted to the Regional Water Board **within two (2) years following work plan approval by the Executive Officer**, and progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.).

i. **Treatment Feasibility Study.** The Discharger is required to perform an engineering treatment feasibility study examining the feasibility, costs and benefits of different treatment options that may be required to remove aluminum and manganese from the discharge. A work plan and time schedule for preparation of the treatment feasibility study shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The treatment feasibility study shall be completed and submitted to the Regional Water Board **within two (2) years following work plan approval by the Executive Officer**, and progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.).

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

A. **BOD and TSS Effluent Limitations**. Compliance with the final effluent limitations for BOD and TSS required in sections shall be ascertained by 24-hour composite samples. Compliance with effluent limitations in Section IV.A.1.b for percent removal shall be calculated using the arithmetic mean of 20°C BOD (5-day) and total suspended solids in effluent samples collected over a monthly period as a percentage of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

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B. **Aluminum Effluent Limitations**. Compliance with the final effluent limitations for aluminum can be demonstrated using either total or acid-soluble (inductively coupled plasma/atomic emission spectrometry or inductively coupled plasma/mass spectrometry) analysis methods, as supported by US EPA's Ambient Water Quality Criteria for Aluminum document (EPA 440/5-86-008), or other standard methods that exclude aluminum silicate particles as approved by the Executive Officer.

C. **Average Dry Weather Flow (ADWF) Effluent Limitations**. The ADWF is intended to represent the daily average flow when groundwater is at or near normal and runoff is not occurring. Compliance with the ADWF effluent limitations will be determined annually based on the average daily flow over three consecutive dry weather months.

D. **Total Coliform Organisms Effluent Limitations (Section IV.A.1.e.)**. For each day that an effluent sample is collected and analyzed for total coliform organisms, the 7-day median shall be determined by calculating the median concentration of total coliform bacteria in the effluent utilizing the bacteriological results of the last seven days for which analyses have been completed. If the 7-day median of total coliform organisms exceeds a most probable number (MPN) of 2.2 per 100 milliliters, the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period.

E. **Total Residual Chlorine Effluent Limitations.** Continuous monitoring analyzers for chlorine residual or for dechlorination agent residual in the effluent are appropriate methods for compliance determination. A positive residual dechlorination agent in the effluent indicates that chlorine is not present in the discharge, which demonstrates compliance with the effluent limitations. This type of monitoring can also be used to prove that some chlorine residual exceedances are false positives. Continuous monitoring data showing either a positive dechlorination agent residual or a chlorine residual at or below the prescribed limit are sufficient to show compliance with the total residual chlorine effluent limitations, as long as the instruments are maintained and calibrated in accordance with the manufacturer's recommendations.

   Any excursion above the 1-hour average or 4-day average total residual chlorine effluent limitations is a violation. If the Discharger conducts continuous monitoring and the Discharger can demonstrate, through data collected from a back-up monitoring system, that a chlorine spike recorded by the continuous monitor was not actually due to chlorine, then any excursion resulting from the recorded spike will not be considered an exceedance, but rather reported as a false positive.

F. **Chronic Whole Effluent Toxicity Effluent Limitation.** Compliance with the accelerated monitoring and TRE/TIE provisions contained at section VI.C.2.a shall constitute compliance with effluent limitation IV.A.1.h for chronic whole effluent toxicity.

ATTACHMENT A – DEFINITIONS

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Arithmetic Mean (μ), also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

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

Average Monthly Effluent Limitation (AMEL): the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL): 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.

Best Practicable Treatment or Control (BPTC): BPTC is a requirement of State Water Resources Control Board Resolution 68-16 – "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (referred to as the "Antidegradation Policy"). BPTC is the treatment or control of a discharge necessary to assure that, *"(a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."* Pollution is defined in CWC Section 13050(l). In general, an exceedance of a water quality objective in the Basin Plan constitutes "pollution".

Bioaccumulative pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (*CV*) is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in 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 will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

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

Effluent Concentration Allowance (ECA) is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

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

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters include~~d~~, 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 are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

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Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL) means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

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

Not Detected (ND) are those sample results less than the laboratory's MDL.

Ocean Waters are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Persistent P**ollutants** are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The

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goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

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

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Satellite Collection System is the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

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

Standard Deviation (σ) is a measure of variability that is calculated as follows:

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

where:

x is the observed value;
μ is the arithmetic mean of the observed values; and
n is the number of samples.

Toxicity Reduction Evaluation (TRE) is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity,

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

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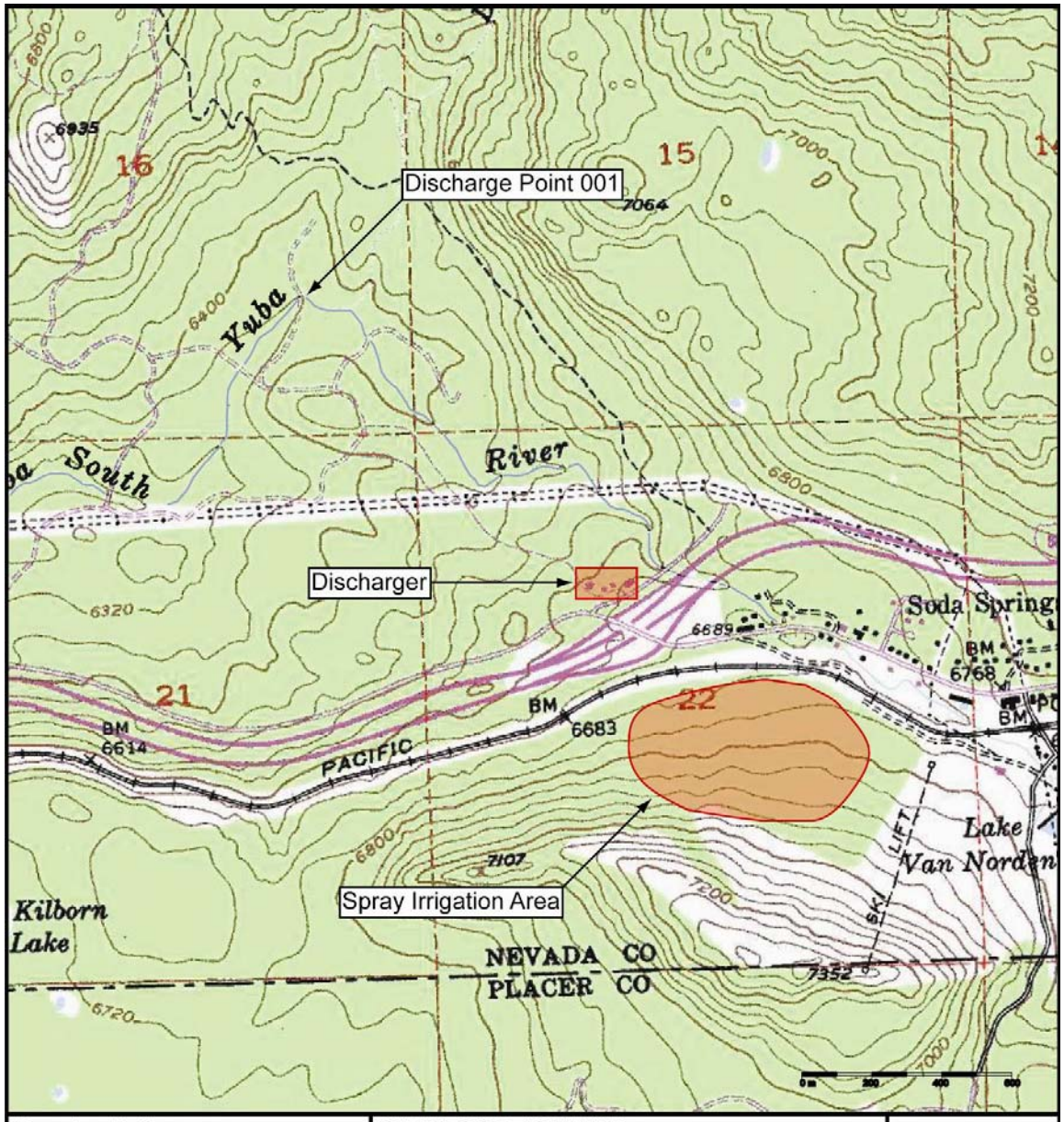
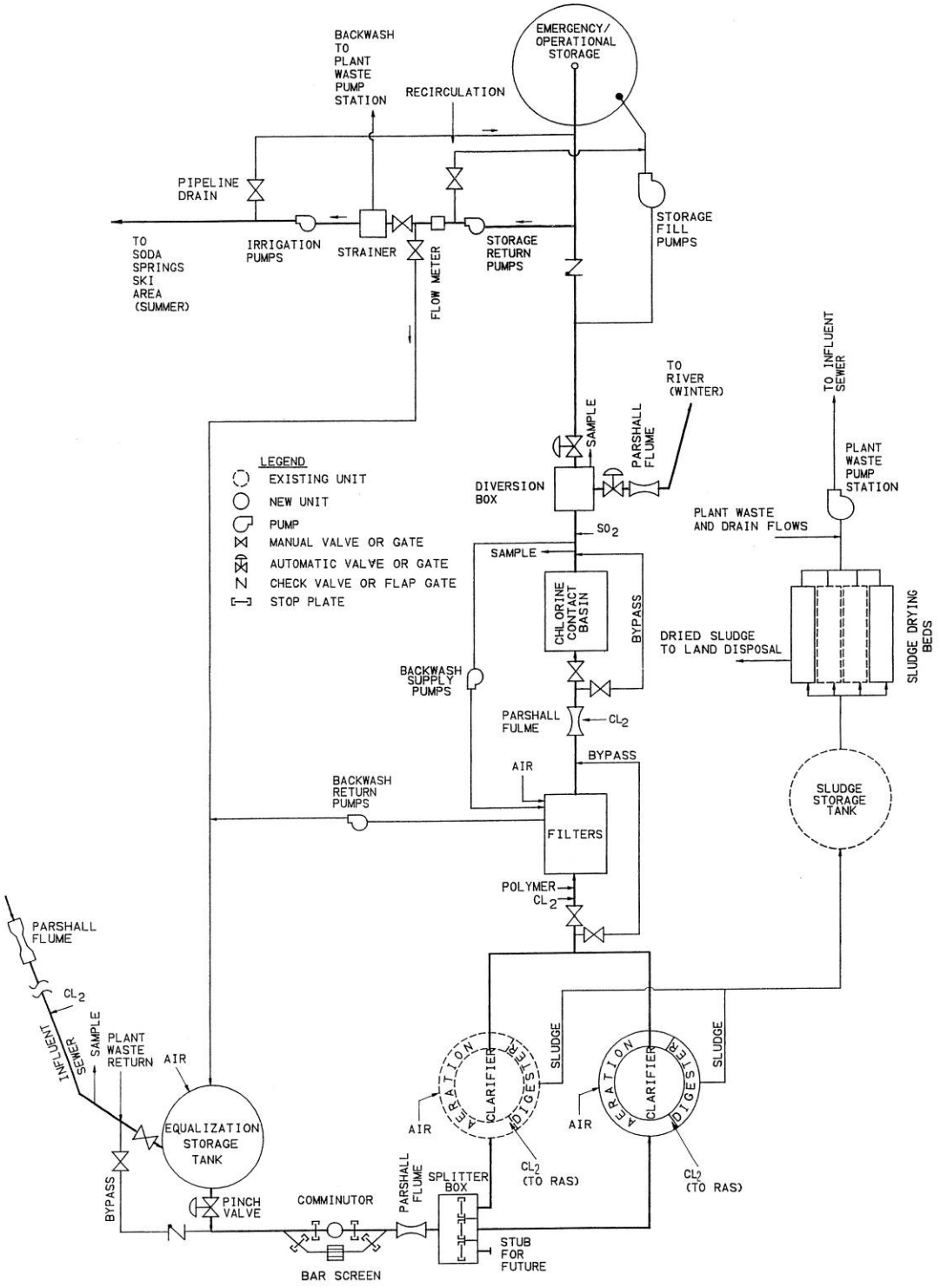
ATTACHMENT B – MAP



Drawing Reference:	SITE LOCATION MAP	
SODA SPRINGS U.S.G.S TOPOGRAPHIC MAP 7.5 MINUTE QUADRANGLE *Topographic Map* *Dated 7/1/1999*	DONNER SUMMIT PUBLIC UTILITIES DISTRICT WASTEWATER TREATMENT PLANT NEVADA COUNTY	N W E S

T E N T A T I V E O R D E R

ATTACHMENT C – FLOW SCHEMATIC



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ATTACHMENT D –STANDARD PROVISIONS

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I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

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

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

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

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

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

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 C.F.R. § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 C.F.R. § 122.41(i)(1));

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 C.F.R. § 122.41(i)(2));

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 C.F.R. § 122.41(i)(3)); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 C.F.R. § 122.41(i)(4).)

G. Bypass

1. Definitions

   a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 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).)

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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. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

5. Notice

   a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)

   b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

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

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was

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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).)

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II. STANDARD PROVISIONS – PERMIT ACTION

A. General

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

B. Duty to Reapply

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

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such

other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

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III. STANDARD PROVISIONS – MONITORING

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

B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 122.41(j)(4); § 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

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

B. Records of monitoring information shall include:

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) 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 USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)

2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 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 USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 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

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equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

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

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 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).)

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D. Compliance Schedules

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

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

   b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 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. (40 C.F.R. § 122.41(l)(1)(ii).)

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R.§ 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

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

I. Other Information

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

VI. STANDARD PROVISIONS – ENFORCEMENT

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

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Publicly-Owned Treatment Works (POTWs)

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

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)); and

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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 the 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).)

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. Water Code Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and state regulations.

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I. GENERAL MONITORING PROVISIONS

A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this Regional Water Board.

B. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the Discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Regional Water Board staff. The Quality Assurance-Quality Control Program must conform to USEPA guidelines or to procedures approved by the Regional Water Board.

C. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services. Laboratories that perform sample analyses shall be identified in all monitoring reports.

D. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

II. MONITORING LOCATIONS

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

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
--	INF-001	Influent entering the headwork
001	EFF-001	Treated Effluent discharged into South Yuba River 39º, 20', 04" N, 120º, 24', 09" W Treated Effluent Land Applied (LND) Treated Effluent for Reclamation (REC)
--	RSW-001	South Yuba River 50 feet upstream from the point of discharge
--	RSW-002	South Yuba River 500 feet downstream from the point of discharge

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location INF-001

1. The Discharger shall monitor influent wastewater that is collected and pumped to the facility and discharged into the plant's headwork at INF-001 as follows:

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
BOD 5-day 20°C	mg/L, lbs/day	24-hr Composite	2/Week	[1]
Total Suspended Solids	mg/L, lbs/day	24-hr Composite	2/Week	[1]
Flow	mgd	Meter	Continuous	[1]

[1] Pollutants shall be analyzed using the analytical methods described in 40 CFR sections 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Board.

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location EFF-001

1. The Discharger shall monitor treatment plant effluent at EFF-001 as follows. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Level:

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Table E-3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and (Minimum Level, units), respectively
Flow	mgd	Meter	Continuous	[1]
Total Residual Chlorine[2]	mg/L	Meter	Continuous	[1]
Temperature[3]	°F	Grab	1/Day	[1]
BOD 5-day 20°C	mg/L, lbs/day	24-hr Composite[4]	2/Week	[1]
Total Suspended Solids	mg/L, lbs/day	24-hr Composite[4]	2/Week	[1]
pH	standard units	Grab	1/Day	[1]
Hardness (as $CaCO_3$)	mg/L	Grab	1/Month	[1]
Total Coliform Organisms	MPN/100 mL	Grab	2/Week	[1]
Turbidity	NTU	Meter	Continuous	[1]
Ammonia (as N) [5,6]	mg/L	Grab	1/Week	[1]
Nitrate (as N)	mg/L	Grab	1/Week	[1]
Nitrite (as N)	mg/L	Grab	1/Week	[1]
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Week	[1]
Total Dissolved Solids	mg/L	Grab	1/Quarter	[1]
Aluminum, Total	µg/L	Grab	1/Month	[1]
Chromium VI	µg/L	Grab	1/Month	
Copper, Total Recoverable	µg/L	Grab	1/Month	[1]
Cyanide, Total Recoverable	µg/L	Grab	1/Month	[1]
Dichlorobromomethane	µg/L	Grab	1/Month	[1]
Manganese, Total	µg/L	Grab	1/Month	[1]
Silver	µg/L	Grab	1/Month	[1]
Zinc	µg/L	Grab	1/Month	[1]
Persistent Chlorinated Hydrocarbon Pesticides	µg/L	Grab	1/Quarter	[1]
Nitrogen	µg/L	Grab	1/Month	[1]
Orthophosphate	µg/L	Grab	1/Month	[1]
Standard Minerals[7]	mg/L	Grab	1/Year	[1]
Priority Pollutants[8,9]	µg/L	Grab	1/Year	[1]

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[1] Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Appendix 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.

[2] Total chlorine residual must be monitored with a method sensitive to and accurate at the permitted level of 0.01 mg/L.

[3] A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

[4] 24-hour flow proportioned composite.

[5] Concurrent with biotoxicity monitoring

[6] Temperature and pH shall be recorded at the time of ammonia sample collection

[7] Standard minerals shall include the following: boron, calcium, iron, magnesium, potassium, sodium, chloride, manganese, phosphorus, total alkalinity (including alkalinity series), and hardness, and include verification that the analysis is complete (i.e., cation/anion balance).

[8] For priority pollutant constituents with effluent limitations, detection limits shall be below the effluent limitations. If the lowest minimum level (ML) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan or SIP) is not below the effluent limitation, the detection limit shall be the lowest ML. For priority pollutant constituents without effluent limitations, the detection limits shall be equal to or less than the lowest ML published in Appendix 4 of the SIP.

[9] Concurrent with receiving surface water sampling.

2. If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data fore the constituents listed above having sampling frequencies of weekly or more frequent, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the schedule.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. **Acute Toxicity Testing.** The Discharger shall conduct acute toxicity testing to determine whether the effluent is contributing acute toxicity to the receiving water. The Discharger shall meet the following acute toxicity testing requirements:

1. *Monitoring Frequency* – the Discharger shall perform quarterly acute toxicity testing, concurrent with effluent ammonia sampling.

2. *Sample Types* – For static non-renewal and static renewal testing, the samples shall be grab samples and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location EFF-001.

3. *Test Species* – Test species shall be fathead minnows (*Pimephales promelas*).

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4. *Methods* – The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, total residual chlorine, and pH shall be recorded at the time of sample collection. No pH adjustment may be made unless approved by the Executive Officer.

5. *Test Failure* – If an acute toxicity test does not meet all test acceptability criteria, as specified in the test method, the Discharger must re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.

B. **Chronic Toxicity Testing**. The Discharger shall conduct three species chronic toxicity testing to determine whether the effluent is contributing chronic toxicity to the receiving water. The Discharger shall meet the following chronic toxicity testing requirements:

1. *Monitoring Frequency* – the Discharger shall perform quarterly three species chronic toxicity testing.

2. *Sample Types* – Effluent samples shall be flow proportional 24-hour composites and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location specified in the Monitoring and Reporting Program. The receiving water control shall be a grab sample obtained from the RSW-001 sampling location, as identified in the Monitoring and Reporting Program.

3. *Sample Volumes* – Adequate sample volumes shall be collected to provide renewal water to complete the test in the event that the discharge is intermittent.

4. *Test Species* – Chronic toxicity testing measures sublethal (e.g. reduced growth, reproduction) and/or lethal effects to test organisms exposed to an effluent compared to that of the control organisms. The Discharger shall conduct chronic toxicity tests with:

   - The cladoceran, water flea, *Ceriodaphnia dubia* (survival and reproduction test);
   - The fathead minnow, *Pimephales promelas* (larval survival and growth test); and
   - The green alga, *Selenastrum capricornutum* (growth test).

5. *Methods* – The presence of chronic toxicity shall be estimated as specified in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition,* EPA/821-R-02-013, October 2002.

6. *Reference Toxicant* – As required by the SIP, all chronic toxicity tests shall be conducted with concurrent testing with a reference toxicant and shall be reported with the chronic toxicity test results.

7. *Dilutions* – The chronic toxicity testing shall be performed using the dilution series identified in Table E-5, below. The receiving water control shall be used as the diluent (unless the receiving water is toxic).

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8. *Test Failure* –The Discharger must re-sample and re-test as soon as possible, but no later than fourteen (14) days after receiving notification of a test failure. A test failure is defined as follows:

   a. The reference toxicant test or the effluent test does not meet all test acceptability criteria as specified in the *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition*, EPA/821-R-02-013, October 2002 (Method Manual), and its subsequent amendments or revisions; or

   b. The percent minimum significant difference (PMSD) measured for the test exceeds the upper PMSD bound variability criterion in Table 6 on page 52 of the Method Manual. (A retest is only required in this case if the test results do not exceed the monitoring trigger specified in Special Provisions VI. 2.a.iii).

Table E-4. Chronic Toxicity Testing Dilution Series

Sample	Dilutions (%)					Controls	
	100	75	50	25	12.5	Receiving Water	Laboratory Water
% Effluent	100	75	50	25	12.5	0	0
% Receiving Water	0	25	50	75	87.5	100	0
% Laboratory Water	0	0	0	0	0	0	100

C. **WET Testing Notification Requirements**. The Discharger shall notify the Regional Water Board within 24-hrs after the receipt of test results exceeding the monitoring trigger during regular or accelerated monitoring, or an exceedance of the acute toxicity effluent limitation.

D. **WET Testing Reporting Requirements**. All toxicity test reports shall include the contracting laboratory's complete report provided to the Discharger and shall be in accordance with the appropriate "Report Preparation and Test Review" sections of the method manuals. At a minimum, whole effluent toxicity monitoring shall be reported as follows:

   1. **Chronic WET Reporting.** Regular chronic toxicity monitoring results shall be reported to the Regional Water Board within 30 days following completion of the test, and shall contain, at minimum:

      a. The results expressed in TUc, measured as 100/NOEC, and also measured as $100/LC_{50}$, $100/EC_{25}$, $100/IC_{25}$, and $100/IC_{50}$, as appropriate.

      b. The statistical methods used to calculate endpoints;

      c. The statistical output page, which includes the calculation of the percent minimum significant difference (PMSD);

      d. The dates of sample collection and initiation of each toxicity test; and

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e. The results compared to the numeric toxicity monitoring trigger.

Additionally, the monthly discharger self-monitoring reports shall contain an updated chronology of chronic toxicity test results expressed in TUc, and organized by test species, type of test (survival, growth or reproduction), and monitoring frequency, i.e., either quarterly, monthly, accelerated, or TRE.

2. **Acute WET Reporting.** Acute toxicity test results shall be submitted with the monthly discharger self-monitoring reports and reported as percent survival.

3. **TRE Reporting.** Reports for Toxicity Reduction Evaluations shall be submitted in accordance with the schedule contained in the Discharger's approved TRE Work Plan.

4. **Quality Assurance (QA).** The Discharger must provide the following information for QA purposes (If applicable):

   a. Results of the applicable reference toxicant data with the statistical output page giving the species, NOEC, LOEC, type of toxicant, dilution water used, concentrations used, PMSD, and dates tested.

   b. The reference toxicant control charts for each endpoint, which include summaries of reference toxicant tests performed by the contracting laboratory.

   c. Any information on deviations or problems encountered and how they were dealt with.

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VI. LAND DISCHARGE MONITORING REQUIREMENTS

A. Monitoring Location LND-1

1. The Discharger shall monitor the discharge to the land application area at LND-1 as follows:

Table E-5. Land Discharge Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	mgd	Meter	Continuous	
Chlorine Residual	mg/L	Meter	Continuous	
Turbidity	NTU	Meter	Continuous	
Settleable Solids	mL/L	24-hour composite	2/week	
Electrical Conductivity	µmhos/cm	Grab	1/Week	
Total Coliform Organisms	MPN/100 mL	Grab	5/Week	
pH	Standard Units	Grab	5/Week	

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data fore the constituents listed above having sampling frequencies of weekly or more frequent, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the schedule.

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VII. RECLAMATION MONITORING REQUIREMENTS

A. Monitoring Location REC-1

1. The Discharger shall monitor the discharge to the reclamation area at REC-1 as follows:

Table E-6. Reclamation Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	mgd	Meter	Continuous	
Chlorine Residual	mg/L	Meter	Continuous	
Turbidity	NTU	Meter	Continuous	
Settleable Solids	mL/L	24-hour composite	2/Week	
Electrical Conductivity	µmhos/cm	Grab	1/Week	
Total Coliform Organisms	MPN/100 ml	Grab	5/Week	
pH	Standard Units	Grab	5/Week	

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data fore the constituents listed above having sampling frequencies of weekly or more frequent, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the schedule.

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER

A. Monitoring Location RSW-001 and RSW-002

1. The Discharger shall monitor RSW-001 and RSW-002 as follows:

Table E-7a. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Dissolved Oxygen	mg/L	Grab	2/Week	[1, 2]
	% saturation	Grab	2/Week	[1, 2]
pH[3]	standard units	Grab	2/Week	[1, 2]
Turbidity	NTU	Grab	2/Week	[2]
Flow	mgd	Meter	2/Week	[1]
Temperature[3]	°F	Grab	2/Week	[1, 2]
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Week	[1, 2]
Fecal Coliform Organisms	MPN/100 mL	Grab	1/Quarter	[2]
Hardness (as CaCO3)	mg/L	Grab	2/Week	[2]
Algal presence	--	Visual	2/Week	
Ammonia	mg/L	Grab	2/week	[2]
Nitrate	mg/L	Grab	2/week	[2]
Nitrite	mg/L	Grab	2/week	[2]
Total Kjehldahl Nitrogen (TKN)	mg/L	Grab	2/week	[2]
Organophosphate	mg/L	Grab	2/week	[2]
Radionuclides	pCi/L	Grab	1/Year	[2]

~~a.~~1 A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the WWTP.

~~b.~~2 Pollutants shall be analyzed using the analytical methods described in 40 CFR 136; for priority pollutants the methods must meet the lowest MLs specified in Appendix 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.

~~c.~~3 pH and temperature shall be determined at the time of sample collection for effluent ammonia.

If conditions in wintertime are deemed too hazardous due to snow/weather conditions, and would endanger personnel, one of the weekly samples may be waived. The Discharger shall certify the conditions are hazardous when waiving a sampling event.

IX. OTHER MONITORING REQUIREMENTS

A. Biosolids

1. Monitoring Location BIO-001

1. A composite sample of sludge shall be collected annually at Monitoring Location BIO-001 in accordance with EPA's POTW Sludge Sampling and Analysis Guidance Document, August 1989, and tested for priority pollutants listed in 40 CFR section 122 Appendix D, Tables II and III (excluding total phenols).

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2. A composite sample of sludge shall be collected when sludge is removed from the ponds for disposal in accordance with USEPA's POTW Sludge Sampling and Analysis Guidance Document, August 1989, and tested for the metals listed in Title 22.

3. Sampling records shall be retained for a minimum of **five years**. A log shall be kept of sludge quantities generated and of handling and disposal activities. The frequency of entries is discretionary; however, the log should be complete enough to serve as a basis for part of the annual report.

4. Upon removal of sludge, the Discharger shall submit characterization of sludge quality, including sludge percent solids and quantitative results of chemical analysis for the priority pollutants listed in 40 CFR 122 Appendix D, Tables II and III (excluding total phenols). Suggested methods for analysis of sludge are provided in USEPA publications titled "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods" and "Test Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater". Recommended analytical holding times for sludge samples should reflect those specified in 40 CFR 136.6.3(e). Other guidance is available in USEPA's POTW Sludge Sampling and Analysis Guidance Document, August 1989.

B. Municipal Water Supply

1. Monitoring Location SPL-001

The Discharger shall monitor the Municipal Water Supply at SPL-001 as follows. A sampling station shall be established where a representative sample of the municipal water supply can be obtained. Municipal water supply samples shall be collected at approximately the same time as effluent samples.

Table E-8. Municipal Water Supply Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Dissolved Solids	mg/L	Grab	1/Quarter	
Electrical Conductivity @ 25°C[1]	µmhos/cm	Grab	1/Quarter	
Standard Minerals[2]	mg/L	Grab	1/Year	

[1] If the water supply is from more than one source, the EC shall be reported as a weighted average and include copies of supporting calculations.

[2] Standard minerals shall include all major cations and anions and include verification that the analysis is complete (i.e., cation/anion balance).

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X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. Upon written request of the Regional Water Board, the Discharger shall submit a summary monitoring report. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).

3. **Compliance Time Schedules.** For compliance time schedules included in the Order, the Discharger shall submit to the Regional Water Board, on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the compliance time schedule.

4. The Discharger shall report to the Regional Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act of 1986.

5. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 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 the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). 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 considered appropriate by the laboratory.

   c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

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

6. **Multiple Sample Data.** When determining compliance with an AMEL , AWEL, or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

   a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

   b. 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.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. Monitoring results shall be submitted to the Regional Water Board by the **first day** of the second month following sample collection. Quarterly and annual monitoring results shall be submitted by the **first day of the second month following each calendar quarter, semi-annual period, and year**, respectively.

3. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with waste discharge requirements. The highest daily maximum for the month, monthly and weekly averages, and medians, and removal efficiencies (%) for BOD and Total Suspended Solids, shall be determined and recorded as needed to demonstrate compliance.

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4. With the exception of flow, all constituents monitored on a continuous basis (metered), shall be reported as daily maximums, daily minimums, and daily averages; flow shall be reported as the total volume discharged per day for each day of discharge.

5. If the Discharger monitors any pollutant at the locations designated herein more frequently than is required by this Order, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.

6. A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions.

7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

   Regional Water Quality Control Board
   Central Valley Region
   NPDES Compliance and Enforcement Unit
   11020 Sun Center Dr., Suite #200
   Rancho Cordova, CA 95670-6114

8. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

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Table E-9. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On…	Monitoring Period	SMR Due Date
Continuous	**Permit effective date**	**All**	**First day of second calendar month following month of sampling**
Daily	**Permit effective date**	**(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.**	**First day of second calendar month following month of sampling**
Weekly	**Sunday following permit effective date or on permit effective date if on a Sunday**	**Sunday through Saturday**	**First day of second calendar month following month of sampling**
Monthly	**First day of calendar month following permit effective date or on permit effective date if that date is first day of the month**	**1st day of calendar month through last day of calendar month**	**First day of second calendar month following month of sampling**
Quarterly	**Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date**	**January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31**	**May 1 August 1 November 1 February 1**
Annually	**January 1 following (or on) permit effective date**	**January 1 through December 31**	**February 1**

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C. Discharge Monitoring Reports (DMRs)

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit SMRs that will satisfy federal requirements for submittal of Discharge Monitoring Reports (DMRs). Until such notification is given, the Discharger shall submit DMRs in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharger shall submit the original DMR and one copy of the DMR to the address listed below:

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

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

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D. Other Reports

1. **Progress Reports.** As specified in the compliance time schedules required in Special Provisions VI, progress reports shall be submitted in accordance with the following reporting requirements. At minimum, the progress reports shall include a discussion of the status of final compliance, whether the Discharger is on schedule to meet the final compliance date, and the remaining tasks to meet the final compliance date.

Table E-10. Reporting Requirements for Special Provisions Progress Reports

Special Provision	Reporting Requirements
Pollution Prevention Plan for aluminum, ammonia, and manganese. (VI.C.7.a)	**1 December**, annually, after approval of work plan
Pollution Prevention Plan for copper, cyanide, and zinc. (VI.C.7.b)	**1 December**, annually, after approval of work plan

2. Within **60 days** of permit adoption, the Discharger shall submit a report outlining minimum levels, method detection limits, and analytical methods for approval, with a goal to achieve detection levels below applicable water quality criteria. At a minimum, the Discharger shall comply with the monitoring requirements for CTR constituents as outlined in Section 2.3 and 2.4 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, adopted 2 March 2000 by the State Water Resources Control Board. All peaks identified by analytical methods shall be reported.

3. The Discharger's sanitary sewer system collects wastewater using sewers, pipes, pumps, and/or other conveyance systems and directs the raw sewage to the wastewater treatment plant. A "sanitary sewer overflow" is defined as a discharge to ground or surface water from the sanitary sewer system at any point upstream of the wastewater treatment plant. Sanitary sewer overflows are prohibited by this Order. All violations must be reported as required in Standard Provisions. Facilities (such as wet wells, regulated impoundments, tanks, highlines, *etc*.) may be part of a sanitary sewer system and discharges to these facilities are not considered sanitary sewer overflows, provided that the waste is fully contained within these temporary storage facilities.

4. **Annual Operations Report**. By **30 January** of each year, the Discharger shall submit a written report to the Executive Officer containing the following:

   a. The names, certificate grades, and general responsibilities of all persons employed at the Facility.

b. The names and telephone numbers of persons to contact regarding the plant for emergency and routine situations.

c. A statement certifying when the flow meter(s) and other monitoring instruments and devices were last calibrated, including identification of who performed the calibration.

d. A statement certifying whether the current operation and maintenance manual, and contingency plan, reflect the wastewater treatment plant as currently constructed and operated, and the dates when these documents were last revised and last reviewed for adequacy.

e. The Discharger may also be requested to submit an annual report to the Regional Water Board with both tabular and graphical summaries of the monitoring data obtained during the previous year. Any such request shall be made in writing. The report shall discuss the compliance record. If violations have occurred, the report shall also discuss the corrective actions taken and planned to bring the discharge into full compliance with the waste discharge requirements.

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ATTACHMENT F – FACT SHEET

As described in section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this Discharger.

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I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	5A290105001
Discharger	Donner Summit Public Utilities District
Name of Facility	Donner Summit Public Utilities District Wastewater Treatment Plant
Facility Address	53823 Sherritt Lane
	Soda Springs, CA, 95728
	Nevada County
Facility Contact, Title and Phone	Thomas Skjelstad, General Manager, (530) 426-3456
Authorized Person to Sign and Submit Reports	Thomas Skjelstad, General Manager, (530) 426-3456
Mailing Address	P.O. Box 610, Soda Springs, CA, 95728
Billing Address	P.O. Box 610, Soda Springs, CA, 95728
Type of Facility	POTW
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	N
Reclamation Requirements	Producer
Facility Permitted Flow	0.52 million gallons per day
Facility Design Flow	0.52 million gallons per day
	Yuba River Hydrologic Unit, South Yuba HA, and North Bloomfield HSA
Receiving Water	South Yuba River
Receiving Water Type	Inland surface water/Groundwater

A. Donner Summit Public Utilities District (hereinafter Discharger) is the owner and operator of Donner Summit Public Utilities District Wastewater Treatment Plant (hereinafter Facility), a Publicly Owned Treatment Works Facility.

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

B. The Facility discharges treated domestic wastewater to South Yuba River, a water of the United States, which prior to this Order was regulated by Order R5-2003-0088 adopted on 6 June 2002 and expired on 6 June 2007. The terms and conditions of the previous Order are continued and remain in effect until new Waste Discharge Requirements and NPDES permit become effective pursuant to this Order. This Order continues to allow a regulated discharge up to 5.2 million gallons per day (mdg) of treated domestic wastewater from the Facility to the identified surface water and land. This Order does not restrict the Discharger from providing domestic wastewater treatment services to specific service area(s) within its jurisdiction.

C. The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on 24 April 2007.

II. FACILITY DESCRIPTION

The Discharger provides sewerage service for the Norden and Soda Springs areas, the Sugar Bowl and Soda Springs Ski Resorts, the Serene Lakes Subdivision, and the Sierra Lakes Community Water District (SLCWD). The Facility design daily average flow capacity is 0.52 mgd.

A. Description of Wastewater and Biosolids Treatment or Controls

The treatment system at the Facility consists of an equalization tank, headworks, a conventional activated sludge process utilizing two Walker-type package treatment plants, three single-media tertiary filters, and a disinfection and dechlorination facilities. A 1.56 million gallon storage tank provides three days of emergency storage of treatment effluent and is also used for spray irrigation operational storage during the summer and snow making operational storage in the winter. In addition, the facility contains two aerobic sludge digesters (part of the package sludge units), a 600,000-gallon sludge storage tank and sludge drying beds. Dewatered sludge is disposed off-site at a permitted disposal facility.

The Facility is operated to treat the varying influent flows during the winter ski season and the infiltration and inflow for spring time snow melt. The varying influent flows are accompanied by varying organic loads to the system due to the fluctuation of occupancy at the ski resorts within the service area. The higher influent flows and organic loadings occur during low temperature time periods when the metabolic rate of the biological organisms that treat the wastewater for ammonia removal (nitrification and

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denitrification). The higher organic loading rate provides the necessary "food" for the organisms within the biological treatment system to stabilize the biological oxygen demand and nitrify/denitrify the wastewater. During periods of low organic loading, ammonia is added to the wastewater to maintain the appropriate food-to-microorganism ratio necessary for the nitrification and denitrification process.

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B. Discharge Points and Receiving Waters

1. The Facility is located in Section 22, T17N, R14E, MDB&M, as shown in Attachment B (Figure B-1), a part of this Order.

2. Treated municipal wastewater is discharged at Discharge Point 001 to South Yuba River, a water of the United States and a tributary to Yuba River (sources to Englebright Reservoir) at a point Latitude 39º, 20', 04" N and longitude 120º, 24', 09" W.

3. Treated municipal wastewater is also used to spray irrigate the Soda Springs Ski Area, generally from July through September and when conditions permit further land disposal.

4. The Discharger has also proposed extending the reclamation period for wastewater disposal by using treated effluent for snow making at the Soda Springs Ski Area.

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

Effluent limitations/Discharge Specifications contained in the previous Order for discharges from Discharge Point 001 (Monitoring Location EFF-001) and representative monitoring data from the term of the previous Order are as follows:

Table F-2. Historic Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitation			Monitoring Data (From 1 June 2002 – To 31 July 2007)		
		Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
BOD	mg/L	10	15	30	--	13.5	32
Chlorine Residual	mg/L	--	0.01	0.02	--	--	10
Nitrate	mg/L	10	--	--	--	--	80
Settleable Solids	ml/L	0.1	--	0.2	--	--	<0.1
Total Coliform	MPN/100 mL		2.2	23	--	--	900
Total Suspended Solids	mg/L	10	15	30	--	81.5	159
Turbidity	NTU	2	--	5	--	--	114

D. Compliance Summary

The Discharger received an Administrative Civil Liability (ACL) Complaint from the Regional Water Quality Board dated 2 April 2007 for the violation of Waste Discharge Requirement (WDR) Order No. 95-150 and WDR Order No. R5-2002-0088. The ACL is in the amount of two hundred and four thousand dollars ($204,000) in mandatory minimum penalties for effluent limit violations from 1 January 2000 to 30 June 2006. ACL Order No. R5-2007-0528 settled the Complaint with payment of $204,000 applied to compliance projects to achieve compliance with NPDES effluent limitations.

E. Planned Changes

The Discharger recently passed a resolution to annex additional parcels within the Sugar Bowl area. The homeowners within this area are currently on septic systems and will be required to connect to the sewer system within ten years, provided there is sufficient capacity at the Facility.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in section II of the Limitations and Discharge Requirements (Findings). This section provides supplemental information, where appropriate, for the plans, policies, and regulations relevant to the discharge.

A. Legal Authority

See Limitations and Discharge Requirements - Findings, Section II.C.

B. California Environmental Quality Act (CEQA)

See Limitations and Discharge Requirements - Findings, Section II.E.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans**. The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised August 2006), for the Sacramento and San Joaquin River Basins* (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Board Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. The beneficial uses of the Magnolia Creek downstream of the discharge are municipal and domestic supply, agricultural irrigation, agricultural stock watering, water contact recreation, other non-contact water recreation, warm freshwater aquatic habitat, cold freshwater aquatic

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habitat, warm fish migration habitat, cold fish migration habitat, warm spawning habitat, and wildlife habitat.

The Basin Plan on page II-1.00 states: "*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning…*" and with respect to disposal of wastewaters states that "...*disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses.*"

The federal CWA section 101(a)(2), states: "*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water be achieved by July 1, 1983.*" Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after November 28, 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section 131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

This Order contains Effluent Limitations requiring a tertiary level of treatment, or equivalent, which is necessary to protect the beneficial uses of the receiving water. The Regional Water Board has considered the factors listed in CWC section 13241 in establishing these requirements, as discussed in more detail in the Fact Sheet, Attachment F, Section IV.

In addition, this Order contains groundwater effluent limitations necessary to protect the beneficial uses of the groundwater.

2. **Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (Attachment F, Section IV.D.4.) the discharge is consistent with the antidegradation provisions of 40 CFR section 131.12 and State Water Board Resolution 68-16.

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3. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Compliance with the Anti-Backsliding requirements is discussed in Section IV.D.3.

4. **Emergency Planning and Community Right to Know Act**. Section 13263.6(a), California Water Code, requires that "the Regional Water Board shall prescribe effluent limitations as part of the waste discharge requirements of a POTW for all substances that the most recent toxic chemical release data reported to the state emergency response commission pursuant to Section 313 of the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. Sec. 11023) (EPCRKA) indicate as discharged into the POTW, for which the State Water Board or the Regional Water Board has established numeric water quality objectives, and has determined that the discharge is or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to, an excursion above any numeric water quality objective".

   The Regional Water Board has adopted a numeric receiving water objective for copper, zinc, cyanide, dichlorobromomethane, aluminum, and manganese in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan). As detailed elsewhere in this Permit, available effluent quality data indicate that effluent concentrations of aluminum, ammonia, copper, cyanide, manganese, nitrate, and zinc do have a reasonable potential to cause or contribute to an excursion above numeric water quality objectives for aluminum, ammonia, copper, cyanide, manganese, nitrate, and zinc included within the Basin Plan.

   The most recent toxic chemical data report does not indicate any reportable off-site releases or discharges to the collection system for this facility. Therefore, a reasonable potential analysis based on information from Emergency Planning and Community Right to Know Act (EPCRA) cannot be conducted. Based on information from EPCRA, there is no reasonable potential to cause or contribute to an excursion above any numeric water quality objectives included within the Basin Plan or in any State Water Board plan, so no effluent limitations are included in this permit pursuant to CWC section 13263.6(a).

   However, as detailed elsewhere in this Order, available effluent data indicate that there are constituents present in the effluent that have a reasonable potential to cause or contribute to exceedances of water quality standards and require inclusion of effluent limitations based on federal and state laws and regulations.

5. **Stormwater Requirements.** USEPA promulgated Federal Regulations for storm water on 16 November 1990 in 40 CFR Parts 122, 123, and 124. The NPDES Industrial Storm Water Program regulates storm water discharges from wastewater treatment facilities. Wastewater treatment plants are applicable industries under the stormwater program and are obligated to comply with the Federal Regulations.

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6. **Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

D. Impaired Water Bodies on CWA 303(d) List – Not Applicable

E. Other Plans, Polices and Regulations

1. The discharge authorized herein and the treatment and storage facilities associated with the discharge of treated municipal wastewater, except for discharges of residual sludge and solid waste, are exempt from the requirements of Title 27, California Code of Regulations (CCR), section 20005 *et seq*. (hereafter Title 27). The exemption, pursuant to Title 27 CCR section 20090(a), is based on the following:

   a. The waste consists primarily of domestic sewage and treated effluent;

   b. For the reasons stated in Section IV.D.4.b, below, the waste discharge is consistent with water quality objectives. This Order includes groundwater limitations which require that the Discharger not cause the underlying groundwater to contain waste constituents in concentrations greater than background water quality or violate water quality objectives, impact beneficial uses, or cause pollution or nuisance. The Discharger is required to monitor groundwater to ensure the discharge does not degrade groundwater or cause an exceedence of water quality objectives; and

   c. The treatment and storage facilities described herein are associated with a municipal wastewater treatment plant.

2. The State Water Board adopted the *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*. The requirements within this Order are consistent with the Policy.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.

The Federal CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or

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federal law [33 U.S.C., § 1311(b)(1)(C); 40 CFR, § 122.44(d)(1)]. NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to Federal Regulations, 40 CFR Section 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that "*are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality*." Federal Regulations, 40 CFR, §122.44(d)(1)(vi), further provide that "[w]*here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits.*"

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the 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 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 CFR §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 the receiving water where numeric water quality objectives have not been established. The Regional Water Board's Basin Plan, page IV-17.00, contains an implementation policy ("Policy for Application of Water Quality Objectives" that specifies that the Regional Water Board "*will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives*." This Policy complies with 40 CFR §122.44(d)(1). With respect to narrative objectives, the Regional Water Board must establish effluent limitations using one or more of three specified sources, including (1) EPA's published water quality criteria, (2) a proposed state criterion (*i.e*., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (*i.e*., the Regional Water Board's "Policy for Application of Water Quality Objectives")(40 CFR 122.44(d)(1)(vi) (A), (B) or (C)), or (3) an indicator parameter. The Basin Plan contains a narrative objective requiring that: "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life*" (narrative toxicity objective). The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, discoloration, toxic substances, radionuclides, or taste and odor producing substances that adversely affect beneficial uses. The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The Basin Plan also limits chemical constituents in concentrations that adversely affect surface water beneficial uses. For waters designated as municipal, the Basin Plan specifies that, at a minimum, waters shall not contain concentrations of constituents that exceed Maximum Contaminant Levels (MCL) of CCR Title 22. The Basin Plan further states that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent

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than MCLs.

A. Discharge Prohibitions

1. *As stated in section I.G of Attachment D, Standard Provisions, this Order prohibits bypass from any portion of the treatment facility. Federal Regulations, 40 CFR 122.41 (m), define "bypass" as the intentional diversion of waste streams from any portion of a treatment facility. This section of the Federal Regulations, 40 CFR 122.41 (m)(4), prohibits bypass unless it is unavoidable to prevent loss of life, personal injury, or severe property damage. In considering the Regional Water Board's prohibition of bypasses, the State Water Board adopted a precedential decision, Order No. WQO 2002-0015, which cites the Federal Regulations, 40 CFR 122.41(m), as allowing bypass only for essential maintenance to assure efficient operation.*

B. Technology-Based Effluent Limitations

1. Scope and Authority

Regulations promulgated in section 125.3(a)(1) require technology-based effluent limitations for municipal Dischargers to be placed in NPDES permits based on Secondary Treatment Standards or Equivalent to Secondary Treatment Standards.

The Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) established the minimum performance requirements for POTWs [defined in section 304(d)(1)]. Section 301(b)(1)(B) of that Act requires that such treatment works must, as a minimum, meet effluent limitations based on secondary treatment as defined by the USEPA Administrator.

Based on this statutory requirement, USEPA developed secondary treatment regulations, which are specified in Part 133. These technology-based regulations apply to all municipal wastewater treatment plants and identify the minimum level of effluent quality attainable by secondary treatment in terms of biochemical oxygen demand (BOD_5), total suspended solids (TSS), and pH.

2. Applicable Technology-Based Effluent Limitation

a. **BOD_5 and TSS.** Federal Regulations, 40 CFR, Part 133, establish the minimum weekly and monthly average level of effluent quality attainable by secondary treatment for BOD_5 and TSS. Tertiary treatment is necessary to protect the beneficial uses of the receiving stream and the final effluent limitations for BOD_5 and TSS are based on the technical capability of the tertiary process. BOD_5 is a measure of the amount of oxygen used in the biochemical oxidation of organic matter. The secondary and tertiary treatment standards for BOD_5 and TSS are indicators of the effectiveness of the treatment processes. The principal design parameter for wastewater treatment plants is the daily BOD_5 and TSS loading rates and the corresponding removal rate of the system. In applying 40 CFR Part 133 for weekly and monthly average BOD_5 and TSS limitations, the

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application of tertiary treatment processes results in the ability to achieve lower levels for BOD_5 and TSS than the secondary standards currently prescribed; the 30-day average BOD_5 and TSS limitations have been revised to 10 mg/L, which is technically based on the capability of a tertiary system. In addition to the average weekly and average monthly effluent limitations, a daily maximum effluent limitation for BOD_5 and TSS is included in the Order to ensure that the treatment works are not organically overloaded and operate in accordance with design capabilities. See Table F-3 for final technology-based effluent limitations required by this Order. In addition, 40 CFR 133.102, in describing the minimum level of effluent quality attainable by secondary treatment, states that the 30-day average percent removal shall not be less than 85 percent. If 85 percent removal of BOD_5 and TSS must be achieved by a secondary treatment plant, it must also be achieved by a tertiary (i.e., treatment beyond secondary level) treatment plant. This Order contains a limitation requiring an average of 85 percent removal of BOD_5 and TSS over each calendar month.

Final discharge limitations in this Order are based on the technical capability of tertiary wastewater treatment systems. Technology based limitations are utilized to assure the treatment systems are properly designed and operated. Discharge Limitations have been established for tertiary treatment or equivalent as 10 mg/L (30-day average), 15 mg/L (weekly average) and 20 mg/L (daily maximum) for both BOD and TSS.

b. Flow. The Donner Summit Public Utilities District Wastewater Treatment Plant is designed to provide a tertiary level of treatment for a design flow of 0.52 mgd. This Order contains a discharge flow limitation of 0.52 mgd as an average dry weather flow.

Summary of Technology-based Effluent Limitations
Discharge Point 001

Table F-3. Summary of Technology-based Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
5-Day BOD @ 20 °C	mg/L	10	15	30	--	--
	lbs/day[1]	43	65	130	--	--
Total Suspended Solids	mg/L	10	15	20	--	--
	lbs/day[1]	43	65	130	--	--
BOD and TSS Removal	%	85%	--	--	--	--
pH	standard Units	--	--	--	6.0	9.0

1. Based upon an average dry weather flow of 0.52 mgd.

[1] Based upon a design treatment capacity of 0.52 mgd.

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C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an in-stream excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

a. **Receiving Water.** South Yuba River is a tributary to Yuba River (sources to Englebright Reservoir) within the Yuba River Hydrologic Unit, South Yuba HA, and North Bloomfield HSA. Refer to Section III for beneficial uses.

b. **Hardness.** While effluent limitations for hardness are not necessary in this Order, hardness is critical to the assessment of the need for, and the development of effluent limitations for certain metals. The *California Toxics Rule* (CTR) and the *National Toxics Rule* contain water quality criteria for seven metals that vary as a function of hardness. The lower the hardness, the lower the water quality criteria. The metals with hardness-dependent criteria include cadmium, copper, chromium III, lead, nickel, silver, and zinc.

This Order has established the criteria for hardness-dependent metals based on the reasonable worst-case ambient hardness as required by the State Water Board's *Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (also referred to as the SIP)[1], the CTR[2] and State Water Board Order No. WQO 2008-0008 (City of Davis). The SIP and the CTR require the use of "receiving water" or "actual ambient" hardness, respectively, to determine effluent limitations for these metals. (SIP, § 1.2; 40 CFR § 131.38(c)(2), Table 4, note 4.) The CTR does not define whether the term "ambient," as applied in the regulations, necessarily requires the consideration of upstream as opposed to downstream hardness conditions. In some cases, the hardness of effluent discharges changes the hardness of the ambient receiving

[1] The SIP does not address how to determine the hardness for application to the equations for the protection of aquatic life when using hardness-dependent metals criteria. It simply states, in Section 1.2, that the criteria shall be properly adjusted for hardness using the hardness of the receiving water.

[2] The CTR requires that, for waters with a hardness of 400 mg/L (as $CaCO_3$), or less, the actual ambient hardness of the surface water must be used. It further requires that the hardness values used must be consistent with the design discharge conditions for design flows and mixing zones.

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water. Therefore, where reliable, representative data are available, the hardness value for calculating effluent limitations can be the downstream receiving water hardness, after mixing with the effluent (Order WQO 2008-0008, p. 11). The Regional Water Board thus has considerable discretion in determining ambient hardness (*Id.*, p.10.).

The hardness values must also be protective under all flow conditions (*Id.*, pp. 10-11). As discussed below, scientific literature provides a reliable method for calculating protective effluent limitations for metals with hardness-dependent CTR criteria, considering all discharge conditions. This methodology produces effluent limitations that prevent these metals from causing receiving water toxicity, while avoiding effluent limitations that are unnecessarily stringent.

A 2006 Study[3] evaluated the relationships between hardness and the CTR metals criteria as the effluent and receiving water mix. The Study demonstrates that it is necessary to evaluate all discharge conditions (e.g. high and low flow conditions) when determining the appropriate hardness for calculating effluent limitations for hardness-dependent metals. Simply using the lowest recorded receiving water hardness may result in over or under protective effluent limitations and may not represent the reasonable worst-case hardness of the receiving water.

As is discussed in detail below, using the methodology described in the 2006 Study, the Design Hardness for calculating protective hardness-dependent metals limits in this Order ranged from 20 mg/L to 23 mg/L (as $CaCO_3$), depending on the metal. The upstream receiving water hardness ranged from 19 mg/L to 22 mg/L (as $CaCO_3$). Therefore, the Design Hardnesses used in this Order are representative of hardness concentrations observed in the receiving water, which is consistent with the CTR and the SIP.

The equation describing the total recoverable regulatory criterion, as established in the CTR, is as follows:

$$\text{CTR Criterion} = e^{m[\ln(H)]+b} \qquad \text{(Equation 1)}$$

Where:

H = Design Hardness
b = metal- and criterion-specific constant
m = metal- and criterion-specific constant

The constants “m” and “b” are specific to both the metal under consideration, and the type of total recoverable criterion (i.e. acute or chronic). The metal-specific values for these constants are provided in the CTR at paragraph (b)(2), Table 1.

[3] Emerick, R.W.; Borroum, Y.; & Pedri, J.E., 2006. California and National Toxics Rule Implementation and Development of Protective Hardness Based Metal Effluent Limitations. WEFTEC, Chicago, Ill.

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The Design Hardness "H" is the hardness of the receiving water that results in hardness-dependent metals effluent limits that are adequately protective under all discharge conditions.

The relationship between hardness and the calculated criteria is the same for chronic cadmium, chromium III, copper, nickel, and zinc, so the same procedure for estimating the Design Hardness may be used for these metals. These metals are hereinafter referred to as "Concave Down Metals". "Concave Down" refers to the shape of the curve represented by the relationship between hardness and the CTR criteria in Equation 1. Another similar procedure can be used for determining the Design Hardness for acute cadmium, lead, and acute silver, which are referred to hereafter as "Concave Up Metals".

Design Hardness for Concave Down Metals – For Concave Down Metals (i.e. chronic cadmium, chromium III, copper, nickel, and zinc) the 2006 study demonstrates that effluent limits based on a Design Hardness equivalent to the lowest recorded effluent hardness is adequately protective under all discharge conditions. The minimum effluent hardness was 20 mg/L (as $CaCO_3$), based on 4 samples from November 2003 to December 2006. While the upstream receiving water hardness varied from 19 mg/L to 22 mg/L (as $CaCO_3$), based on 2 samples from November 2003 to February 2004. Using a Design Hardness of 20 mg/L for all Concave Down Metals will result in effluent limitations that are protective under all discharge conditions. This **approach** assume**s** the following conservative conditions:

- Receiving water always at the lowest observed upstream receiving water hardness (i.e. 19 mg/L as $CaCO_3$)
- Upstream receiving water copper concentration always at the CTR criteria (i.e. no assimilative capacity). Based on available data, the receiving water never exceeded the CTR criteria for any metal with hardness-dependent criteria.

A Design Hardness of 20 mg/L results in effluent limits that are protective under all discharge conditions (i.e. the Mixed Downstream Ambient Copper Concentration never exceed the Mixed Downstream Ambient Criteria). In this example, the effluent is always in compliance with the CTR criteria and any mixture of the effluent and receiving water is always in compliance with the CTR criteria. Effluent limits based on a lower hardness (e.g. lowest upstream receiving water hardness) would also be protective, but is overly protective and would result in unreasonably stringent effluent limits. Therefore, a Design Hardness of 20 mg/L has been used in this Order for all Concave Down Metals.

Design Hardness for Concave Up Metals – For Concave Up Metals (i.e. acute cadmium, lead, and acute silver), the 2006 Study also demonstrates that the Design Hardness must not exceed the lowest recorded effluent hardness in order to be adequately protective. However, for these metals the Design Hardness is not readily

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apparent, due to a different relationship between hardness and the metals criteria. Based on the 2006 Study, it is necessary to use an iterative approach to determine the appropriate Design Hardness to calculate effluent limits that are protective under all discharge conditions.

The same conservative assumptions for the receiving water were made. As shown in following table, the Design Hardness is different for each constituent. A Design Hardness of 19 mg/L for acute silver, lead, and acute cadmium, respectively, result in effluent limits that are protective under all discharge conditions. In these examples, the effluent is always in compliance with the CTR criteria and any mixture of the effluent and receiving water is always in compliance with the CTR criteria. The following equation provides fully protective water quality criteria for those metals that exhibit a concave upward relationship.

$$\text{CTR Criterion} = \left[\frac{m}{H_{rw}} \cdot \left(H_{eff} - H_{rw}\right) + 1\right] \cdot e^{m \cdot \ln(H_{rw}) + b} \qquad \text{(Equation 2)}$$

Where:

H_{eff} = effluent hardness
H_{rw} = upstream receiving water hardness
b = metal- and criterion-specific constant
m = metal- and criterion-specific constant

The following table summarizes the resulting Design Hardness values representative of the mixed downstream ambient hardness, specific to the individual hardness-dependent criteria.

Metal	Mixed Downstream Ambient		
	Design Hardness (mg/L)	**Criteria (µg/L)**	**Effluent Limitation (if applicable) (µg/L)**
Concave Down Metals			
Cadmium (chronic)	20_{E1}	0.70	NA
Chromium III	20_{E1}	50	NA
Copper	20_{E1}	2.36	1.5 (AMEL):3.1 (MDEL)
Nickel	20_{E1}	13.37	NA
Zinc	20_{E1}	30.64	15 (AMEL):30 (MDEL)
Concave Up Metals			
Cadmium	19	0.72	NA
Lead	19	0.39	NA
Silver (acute)	19	0.23	NA

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c. Assimilative Capacity/Mixing Zone. USEPA established numeric criteria for priority toxic pollutants in the California Toxics Rule (CTR). The State Water Resources Control Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) to implement the CTR. The Regional Water Board's Basin Plan allows mixing zones provided the Discharger has demonstrated that the mixing zone will not adversely impact beneficial uses. The Basin Plan further requires that in determining the size of a mixing zone, the Regional Water Board will consider the applicable procedures in USEPA's Water Quality Standards Handbook and the Technical Support Document for Water Quality Based Toxics Control (TSD). It is the Regional Water Board's discretion whether to allow a mixing zone. The SIP, in part, states that mixing zones shall not:

- Compromise the integrity of the entire water body.
- Cause acutely toxic conditions to aquatic life passing through the mixing zone.
- Restrict passage of aquatic life.
- Adversely impact biologically sensitive or critical habitats, including but not limited to, habitat of species listed under Federal or State endangered species laws.
- Dominate the receiving water body.
- Overlap a mixing zone from a different outfall.

USEPA's Water Quality Standards Handbook (WQSH) states that States may, at their discretion, allow mixing zones. The WQSH recommends that mixing zones be defined on a case-by-case basis after it has been determined that the assimilative capacity of the receiving stream can safely accommodate the discharge. This assessment should take into consideration the physical, chemical, and biological characteristics of the discharge and the receiving stream; the life history of and behavior of organisms in the receiving stream; and the desired uses of the waters. Mixing zones should not be allowed where they may endanger critical areas (e.g., drinking water supplies, recreational areas, breeding grounds and areas with sensitive biota). USEPA's TSD states, in part in Section 4.3.1, that mixing zones should not be permitted where they may endanger critical areas.

The Basin Plan, the SIP and USEPA's TSD state that allowance of a mixing zone is discretional on the part of the Regional Board. Mixing zones will be limited to the amount of assimilative capacity necessary to comply with discharge limitations. There are no water intakes downstream of the discharge point within a distance that could be impacted by the proposed mixing zone.

The Discharger conducted a dilution study and submitted the results in their March 2007 Report of Waste Discharge. According to the report, the Discharger's existing side stream rock diffuser is not expected to create a completely mixed effluent discharge condition, therefore the Discharger is not granted dilution credits for constituents with water quality-based effluent

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limitations based on aquatic life criteria. However, for constituents with water quality-based effluent limitations based on human health criteria, the Discharger proposes a harmonic mean dilution credit of 24.5 to determine effluent limitations. Flow estimates were obtained from the United States Geological Services (USGS) stream gauge station in Cisco, CA (station number 11414000). Flow data was determined for South Yuba River at the location of surface water discharge by multiplying all flow values by 0.4054, which is the ratio of the Donner Summit Public Utilities District watershed area and the Cisco watershed area. This is a rational approach for determining average flows in the South Yuba River on a preliminary basis.

Typically, dilution credits based on the harmonic mean flow of the receiving water are not applicable for nitrate since nitrate may cause short-term human health impacts. Since the harmonic mean flow is not applicable, available receiving water flow data was used to determine a reasonable critical flow value and a dilution credit for nitrate. Nitrate is limited on a monthly basis, therefore the 30Q10 (30 day low flow over a 10 year period) was utilized. The lowest receiving water flow for each month was compared to the highest effluent discharge flow for the corresponding month (see table below).

Month	Lowest Monthly Receiving Water Flow (mgd)	Highest Monthly Discharge Flow (mgd)	Ratio (Receiving Water to Effluent Flow)
January	0.75	0.33	2.3
February	1.9	0.36	5.3
March	6	0.31	19
April	24	0.34	71
May	63	0.42	150
June	2.65	0.3	8.8
July	1.2	0.21	5.7
August	1.12	NA	NA
September	1.12	NA	NA
October	0.7	NA	NA
November	0.55	0.17	3.2
December	0.65	0.36	1.8

Based on stream observation that occurred during the biostimulatory study conducted in 2008, it has been determined that the effluent and receiving water are completely mixed by the location of receiving water monitoring location RSW-002, located 500 feet downstream of the point of discharge. Therefore, this location has been identified as the boundary of the mixing zone for dichlorobromomethane and nitrate. Nitrate is not a conservative pollutant and there are no drinking water intakes between the point of discharge and the edge of the 500 foot mixing zone allowed in this Order.

Dilution and flow information contained in the Report of Waste Discharge is the basis of the dilution credit of 24.5 for dichlorobromomethane and 1.8:1 for nitrate. Actual monitoring data demonstrates that a dilution credit of 1.8:1 is protective of

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the receiving water. The Discharger is required by this Order to construct and cross-stream diffuser and perform a mixing zone study once the new diffuser is operational. At that time, new mixing zone boundaries will be established. For other parameters, the worst-case dilution is assumed to be zero to provide protection for the receiving water beneficial uses. The impact of assuming zero dilution/assimilative capacity within the receiving water is that the discharge limitations are end-of-pipe limits with no allowance for dilution within the receiving water.

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3. Determining the Need for WQBELs

CWA section 301 (b)(1) requires NPDES permits to include effluent limitations that achieve technology-based standards and any more stringent limitations necessary to meet water quality standards. Water quality standards include Regional Water Board Basin Plan beneficial uses and narrative and numeric water quality objectives, State Water Board-adopted standards, and federal standards, including the CTR and NTR. The Basin Plan includes numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, and tastes and odors. The narrative toxicity objective states: "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.*" (Basin Plan at III-8.00.) With regards to the narrative chemical constituents objective, the Basin Plan states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, "…*water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)*" in Title 22 of CCR. The narrative tastes and odors objective states: "*Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.*"

Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs, the Regional Water Board finds that the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for aldrin, alpha BHC, copper, silver, zinc, cyanide, dichlorobromomethane, aluminum, and manganese. Water quality-based effluent limitations (WQBELs) for these constituents are included in this Order.

The Regional Water Board conducted the RPA in accordance with Section 1.3 of the SIP. Although the SIP applies directly to the control of CTR priority pollutants, the State Water Board has held that the Regional Water Board may use the SIP as guidance for water quality-based toxics control.[4] The SIP states in the introduction

[4] See, Order WQO 2001-16 (Napa) and Order WQO 2004-0013 (Yuba City)

"*The goal of this Policy is to establish a standardized approach for permitting discharges of toxic pollutants to non-ocean surface waters in a manner that promotes statewide consistency."* Therefore, in this Order the RPA procedures from the SIP were used to evaluate reasonable potential for both CTR and non-CTR constituents.

WQBELs were calculated in accordance with section 1.4 of the SIP, as described in Attachment F, Section IV.C.4.

a. **Aluminum.** USEPA developed National Recommended Ambient Water Quality Criteria for protection of freshwater aquatic life for aluminum. The recommended four-day average (chronic) and one-hour average (acute) criteria for aluminum are 87 µg/L and 750 µg/L, respectively, for waters with a pH of 6.5 to 9.0. USEPA recommends that the ambient criteria are protective of the aquatic beneficial uses of receiving waters in lieu of site-specific criteria. The receiving stream has been measured to have a low hardness of 19 mg/L as $CaCO_3$ while the effluent hardness ranged from 20 to 24 mg/L. Due to the low alkalinity in the receiving water, pH values are also typically low, with a minimum value of 6.5 being reported. The receiving water hardness supports of the applicability of the chronic and acute ambient water quality criteria for aluminum, according to USEPA's development document.

   The MEC for aluminum was 1310 µg/L, based on four samples collected between November 2003 and December 2006; likewise, the maximum observed upstream receiving water aluminum concentration was 1310 µg/L, based on two samples collected between November 2003 and February 2004. Both maximum aluminum concentrations have the same value and occurred on the same date. Considering that the validity of the data may be questionable, the next highest effluent concentration of 620 µg/L was utilized in the RPA. The effluent concentration of 620 ug/l exceeds the aluminum criteria. Therefore, aluminum in the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a level necessary to protect aquatic life resulting in a violation of the Basin Plan's narrative toxicity objective. This Order contains final Average Monthly Effluent Limitations (AMEL) and Maximum Daily Effluent Limitations (MDEL) for aluminum based on USEPA's National Ambient Water Quality Criteria for the protection of freshwater aquatic life (See Attachment F, Table F-8 for WQBEL calculations).

   In USEPA's *Ambient Water Quality Criteria for Aluminum—1988* [EPA 440/5-86-008], USEPA states that "[a]*cid-soluble aluminum…is probably the best measurement at the present…*"; however, USEPA has not yet approved an acid-soluble test method for aluminum. Replacing the ICP/AES portion of the analytical procedure with ICP/MS would allow lower detection limits to be achieved. Based on USEPA's discussion of aluminum analytical methods, this Order allows the use of the alternate aluminum testing protocol described above to meet monitoring requirements.

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Based on the sample results in the effluent, it appears that the Discharger may be in immediate non-compliance upon issuance of the permit. New or modified control measures may be necessary in order to comply with the effluent limitations, and the new or modified control measures cannot be designed, installed and put into operation within 30 calendar days. The Basin Plan for the Sacramento and San Joaquin River Basins includes a provision that authorizes the use of compliance schedules in NPDES permits for water quality objectives adopted after September 25, 1995 (See Basin Plan at page IV-16). The water quality-based effluent limitations for aluminum are based on a new interpretation of the narrative standard for protection of receiving water beneficial uses. Therefore, a compliance schedule for compliance with the aluminum effluent limitations is established in the Order.

An interim performance-based maximum daily effluent limitation has been established in this Order. The interim limitation was determined as described in Attachment F, Section IV.E.3., and is in effect until the expiration date of this Order (approximately five years). As part of the compliance schedule, this Order requires the Discharger to submit a corrective action plan and implementation schedule to assure compliance with the final aluminum effluent limitations. In addition, the Discharger shall submit an engineering treatment feasibility study and prepare and implement a pollution prevention plan that is in compliance with CWC section 13263.3(d)(3).

b. **Ammonia.** Untreated domestic wastewater contains ammonia. Nitrification is a biological process that converts ammonia to nitrite and nitrite to nitrate. Denitrification is a process that converts nitrate to nitrite or nitric oxide and then to nitrous oxide or nitrogen gas, which is then released to the atmosphere. Ammonia is known to cause toxicity to aquatic organisms in surface waters. Discharges of ammonia would violate the Basin Plan narrative toxicity objective. Applying 40 CFR section122.44(d)(1)(vi)(B), it is appropriate to use USEPA's Ambient National Water Quality Criteria for the Protection of Freshwater Aquatic Life for ammonia, which was developed to be protective of aquatic organisms.

The MEC for ammonia was 45.2 mg/L, based on 218 samples collected between 1 June 2002 and 31 July 2007; there is no receiving water ammonia data available. The maximum effluent ammonia concentration has a reasonable potential to cause or contribute to an in-stream excursion above a level necessary to protect aquatic life resulting in a violation of the Basin Plan's narrative toxicity objective.

USEPA's *Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life*, for total ammonia, recommends acute (1-hour average; criteria maximum concentration) standards based on pH and chronic (30-day average, criteria continuous concentration) standards based on pH and temperature. It also recommends a maximum four-day average concentration of .2.5 times the criteria continuous concentration. USEPA found that as pH increased, both the acute and chronic toxicity of ammonia increased. Salmonids were more

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sensitive to acute toxicity effects than other species. However, while the acute toxicity of ammonia was not influenced by temperature, it was found that invertebrates and young fish experienced increasing chronic toxicity effects with increasing temperature. USEPA's recommended criteria are show below:

$$CCC_{30-day} = \left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times MIN\left(2.85, 1.45 \cdot 10^{0.028(25-T)}\right), \text{ and}$$

$$CMC = \left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}} \right),$$

where *T* is in degrees Celsius.

The previous Order contained "floating" effluent limitations for ammonia. In the absence of the option of including condition-dependant, "floating" effluent limitations, effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses.

The Basin Plan objective for pH in the receiving stream is 6.5 to 8.5. However, the site-specific maximum permitted effluent pH for this discharge is 8.0. In order to protect against the worst-case short-term exposure of an organism, a pH value of 8.0 was used to derive the acute criterion.

The maximum observed rolling 30-day average temperature and the maximum observed pH of the effluent during the period when the maximum observed rolling 30-day average temperature occurred were used to calculate the 30-day CCC. The maximum observed effluent 30-day rolling average temperature was 17.2°C, for the 30-day period ending in October 2004. The maximum observed effluent pH value during the period when the maximum observed rolling 30-day average temperature occurred was 7.1.

Using a pH value of 7.1 and the worst-case temperature value of 17.2°C on a rolling 30-day basis, the resulting 30-day CCC is 4.76 mg/L (as N). The 4-day average concentration is derived in accordance with the USEPA criterion as 2.5 times the 30-day CCC. Based on a 30-day CCC of 4.76 mg/L (as N), the 4-day average concentration that should not be exceeded is 11.9 mg/L (as N).

The MEC for ammonia was 45.2 mg/L, based on 218 samples collected. Therefore, ammonia in the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a level necessary to protect aquatic life resulting in a violation of the Basin Plan's narrative toxicity objective.

The SIP procedure assumes a 4-day averaging period for calculating the long term average discharge condition (LTA). However, USEPA recommends modifying the procedure for calculating permit limits for ammonia using a 30-day averaging period for the calculation of the LTA corresponding to the 30-day chronic criteria. Therefore, while the LTAs corresponding to the acute and 4-day

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chronic criteria were calculated according to SIP procedures, the LTA corresponding to the 30-day chronic criteria was calculated assuming a 30-day averaging period. The lowest LTA representing the acute, 4-day, and 30-day chronic criteria is then selected for deriving the AMEL and the MDEL. The remainder of the WQBEL calculation for ammonia was performed according to the SIP procedures.

This Order contains a final AMEL and MDEL for ammonia based on USEPA's National Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life and to assure the treatment process adequately nitrifies the waste stream to protect the aquatic habitat beneficial uses (see Attachment F, Table F-5 for WQBEL calculations).

A time schedule for compliance with the ammonia final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

c. **Carbon Tetrachloride.** The CTR includes standards for the protection of human health based on a one-in-a-million cancer risk for carbon tetrachloride. Municipal and domestic supply is a beneficial use of the receiving stream. The standard for waters from which both water and organisms are consumed is 0.25 µg/L. The maximum observed effluent carbon tetrachloride concentration was detected once out of four samples at an estimated concentration of 0.3 µg/L collected in June 2006. Three other samples are all non-detectable.

   One of four monitoring samples demonstrates that carbon tetrachloride was detected in the effluent, but does not demonstrate quantified carbon tetrachloride concentrations. Therefore, it is concluded that there is not sufficient data to determine if the discharge has a reasonable potential to cause or contribute to an exceedance of the water quality criteria. Additional monitoring and a reopener provision has been established in this Order for carbon tetrachloride. If future monitoring results indicate that the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality standard, this Order may be reopened and effluent limitations added, as appropriate.

d. **Chlorine Residual.** The Discharger uses chlorine for disinfection, which is extremely toxic to aquatic organisms. The Discharger uses a sulfur dioxide process to dechlorinate the effluent prior to discharge to South Yuba River. Due to the existing chlorine use and the potential for chlorine to be discharged, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the Basin Plan's narrative toxicity objective.

   The USEPA Technical Support Document for Water Quality-Based Toxics Control [EPA/505/2-90-001] contains statistical methods for converting chronic (four-day) and acute (one-hour) aquatic life criteria to average monthly and

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maximum daily effluent limitations based on the variability of the existing data and the expected frequency of monitoring. However, because chlorine is an acutely toxic constituent that can and will be monitored continuously, an average one-hour limitation is considered more appropriate than an average daily limitation. Average one-hour and four-day limitations for chlorine, based on these criteria, are included in this Order. The Discharger can immediately comply with these new effluent limitations for chlorine residual.

The chlorine residual limitations required in this Order are protective of aquatic organisms in the undiluted discharge. If compliance is maintained, the Regional Water Board does not anticipate residual chlorine impacts to benthic organisms.

e. **Chromium VI (Hexavalent Chromium)*.*** The CTR includes maximum 1-hour average and 4-day average total recoverable chromium VI concentrations of 16 µg/L and 11 µg/L, respectively, for the protection of freshwater aquatic life. The maximum observed effluent chromium VI concentration was detected once out of four samples at a concentration of 20 µg/L collected in June 2006. Three other samples were all non-detectable. The presence of detectable concentrations of hexavalent chromium in a domestic wastewater discharge is unlikely, so the June 2006 sample analysis is most likely a sampling or analysis error. Naturally, chromium typically exists in the trivalent state. Hexavalent chromium is most commonly produced by industrial processes. It is a strong oxidizer and can produce hard coatings, which is why it is often a component in paints for cars, boats and airplanes. According to the Occupational Safety and Health Administration (OSHA), the source is from stainless steel fabrication, heavy duty coatings and paints (automobile, train car, airplane, boats, ships), electroplating and producers of chrome-based pigments. Welding (especially on stainless steel), spraying heavy-duty coatings and paints, and chrome plating are the primary applications affected. DSPUD does not currently receive wastewater flows from these types of industries or activities.

Due to the uncertainty regarding the existence of Chromium VI in the effluent, in place of effluent limitations, additional monitoring has been established for chromium VI in this Order, with a reopener provision. If future monitoring results indicate that the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality standard, this Order may be reopened and effluent limitations added, as appropriate.

f. **Copper*.*** The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for copper. The criteria for copper are presented in dissolved concentrations. USEPA recommends conversion factors to translate dissolved concentrations to total concentrations. The USEPA default conversion factors for copper in freshwater are 0.96 for both the acute and the chronic criteria. Using the worst-case measured hardness from the effluent (20 mg/L as $CaCO_3$) and the USEPA recommended dissolved-to-total translator, the applicable chronic criterion (maximum four-day average concentration) is 2.36 µg/L and the applicable acute criterion (maximum one-hour average

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concentration) is 3.07 µg/L, as total recoverable.

The MEC for total copper was 7.8 µg/L, based on four samples collected between November 2003 and December 2006, while the maximum observed upstream receiving water copper concentration was 0.6 µg/L, based on two samples collected between November 2003 and February 2004. The maximum effluent concentration of 7.8 ug/l is greater than the applicable criteria, therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for copper. An AMEL and MDEL for total copper of 1.5 µg/L and 3.0 µg/L, respectively, are included in this Order based on CTR criteria for the protection of freshwater aquatic life (See Attachment F, Table F-10 for WQBEL calculations).

A time schedule for compliance with the copper final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

g. **Cyanide.** The CTR includes maximum 1-hour average and 4-day average cyanide concentrations of 22 µg/L and 5.2 µg/L, respectively, for the protection of freshwater aquatic life. The MEC for cyanide was 33 µg/L, based on four samples collected between November 2003 and December 2006, while the maximum observed upstream receiving water cyanide concentration was 2 µg/L, based on two samples collected between November 2003 and February 2004. The maximum effluent concentration of 33 ug/l is greater than the applicable criteria, therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for cyanide. An AMEL and MDEL for cyanide of 4.26 µg/L and 8.54 µg/L, respectively, are included in this Order based on CTR criteria for the protection of freshwater aquatic life (See Attachment F, Table F-11 for WQBEL calculations).

A time schedule for compliance with the cyanide final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

h. **Dichlorobromomethane.** The CTR includes a dichlorobromomethane criterion of 0.56 µg/L for the protection of human health and is based on a one-in-a-million cancer risk for waters from which both water and organisms are consumed. The MEC for dichlorobromomethane was 1.2 µg/L, based on four samples collected between November 2003 and December 2006. Therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criterion for dichlorobromomethane.

The Discharger submitted a dilution study to the Regional Water Board and

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proposed to use a harmonic mean dilution credit of 24.5 to calculate the effluent limitations. Regional Water Board staff reviewed the report and approved a dilution credit of 24.5:1for calculation of the final effluent limitation for dichlorobromomethane. An AMEL and MDEL for dichlorobromomethane are included in this Order based on the CTR criterion for the protection of human health (See Attachment F, Table F-12 for WQBEL calculations). Based on the sample results in the effluent, it appears the Discharger can meet these new limitations that include the 24.5:1 dilution credit.

i. **Electrical Conductivity. (see Subsection p. Salinity)**

j. **Iron.** The Secondary MCL - Consumer Acceptance Limit for iron is 300 µg/L. The MEC for iron was 49 µg/L, based on four samples collected between November 2003 and December 2006, while the maximum observed upstream receiving water iron concentration was 744 µg/L, based on two samples collected between November 2003 and February 2004. The receiving water has exceeded the secondary MCL for iron, however, because the discharge has a relatively low concentration of iron, it is anticipated that the discharge will contribute to a lowering of the iron concentration in the receiving water and will not have a reasonable potential to cause or contribute to further in-stream excursion above the criteria for iron.

k. **Manganese.** The Secondary MCL - Consumer Acceptance Limit for manganese is 50 µg/L. The MEC for manganese was 88.4 µg/L, based on four samples collected between November 2003 and December 2006, while the maximum observed upstream receiving water manganese concentration was 150 µg/L, based on two samples collected between November 2003 and February 2004. Therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the Secondary MCL for manganese. An annual average effluent limitation for manganese has been established.

Based on the sample results in the effluent, it appears that the Discharger may be in immediate non-compliance upon issuance of the permit. New or modified control measures may be necessary in order to comply with the effluent limitations, and the new or modified control measures cannot be designed, installed and put into operation within 30 calendar days. The Basin Plan for the Sacramento and San Joaquin River Basins includes a provision that authorizes the use of compliance schedules in NPDES permits for water quality objectives adopted after September 25, 1995 (See Basin Plan at page IV-16). The water quality-based effluent limitations for manganese are based on a new interpretation of the narrative standard for protection of receiving water beneficial uses. Therefore, a compliance schedule for compliance with the manganese effluent limitations is established in the Order.

An interim performance-based maximum daily effluent limitation has been established in this Order. The interim limitation was determined as described in Attachment F, Section IV.E.3., and is in effect until the expiration date of this

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Order**.** As part of the compliance schedule, this Order requires the Discharger to submit a corrective action plan and implementation schedule to assure compliance with the final manganese effluent limitations. In addition, the Discharger shall submit an engineering treatment feasibility study and prepare and implement a pollution prevention plan that is in compliance with CWC section 13263.3(d)(3).

I. **Nitrite and Nitrate***.* Untreated domestic wastewater contains ammonia. Nitrification is a biological process that converts ammonia to nitrite and nitrite to nitrate. Denitrification is a process that converts nitrate to nitrite or nitric oxide and then to nitrous oxide or nitrogen gas, which is then released to the atmosphere. Nitrate and nitrite are known to cause adverse health effects in humans. The California Department of Public Health (DPH) has adopted Primary Maximum Contaminant Levels (MCLs) at Title 22 of the California Code of Regulations (CCR), Table 64431-A, for the protection of human health for nitrite and nitrate that are equal to 1 mg/L and 10 mg/L (measured as nitrogen), respectively. Title 22 CCR, Table 64431-A, also includes a primary MCL of 10,000 µg/L for the sum of nitrate and nitrite, measured as nitrogen.

USEPA has developed Drinking Water Standards (10,000 µg/L as Primary Maximum Contaminant Level) and Ambient Water Quality Criteria for protection of human health (10,000 µg/L for non-cancer health effects). Recent toxicity studies have indicated a possibility that nitrate is toxic to aquatic organisms.

Inadequate or incomplete denitrification may result in the discharge of nitrate and/or nitrite to the receiving stream. The conversion of ammonia to nitrites and the conversion of nitrites to nitrates present a reasonable potential for the discharge to cause or contribute to an in-stream excursion above the Primary MCLs for nitrate.

The Maximum Effluent Concentration (MEC) for nitrate was 80 mg/L, based on 206 samples collected between 1 June 2002 and 31 July 2007. Data on the upstream receiving water nitrate concentration is not available. The maximum effluent nitrate concentration of 80 mg/l demonstrates that the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criterion.

The MEC for nitrite was 0.35 mg/L, based on 26 samples collected between 1 June 2002 and 31 July 2007. Data on the upstream receiving water nitrate concentration is not available. The maximum effluent nitrite concentration of 0.35 mg/l demonstrates that the discharge has no reasonable potential to cause or contribute to an in-stream excursion above the CTR criterion.

The Discharger submitted a request for dilution credits to the Regional Water Board and proposed to use a harmonic mean dilution rate of 24.5 to calculate the effluent limitations. It is not appropriate to use the human health dilution credit for nitrate, because adverse human health effects caused by high nitrate

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concentrations can be felt over a short-term (e.g. one dose). The human health dilution credit is intended for CTR human health criteria where adverse human health effects occur over the long-term consumption of the water (i.e. 2 liters per day for 70 years). As described in detail previously in this Fact Sheet, the dilution credit of 1.8:1 has been applied to the final effluent limitation for nitrate. Based on monitoring data, a dilution credit of 1.8:1 will be protective of the receiving water. An AMEL for nitrate of 18 mg/L is included in this Order based on the MCLs and the dilution credit of 1.8:1. The effluent limitation is included in this Order to assure the treatment process adequately nitrifies and denitrifies the waste stream and protects the beneficial use of municipal and domestic supply.

The Discharger may not be able to consistently comply with the nitrate limitation. Therefore, a time schedule for compliance with the nitrate final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

m. **Persistent Chlorinated Hydrocarbon Pesticides.** Alpha BHC (alpha-hexachlorocyclohexane), aldrin, and 4,4'-DDT were detected in the effluent in concentrations as high as 0.044 µg/L, 0.005 µg/L, and 0.006 µg/L, respectively. Each of these constituents is a chlorinated hydrocarbon pesticide. The Basin Plan requires that no individual pesticides shall be present in concentrations that adversely affect beneficial uses; discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses; total chlorinated hydrocarbon pesticides shall not be present in the water column at detectable concentrations; and pesticide concentrations shall not exceed those allowable by applicable antidegradation policies. The CTR contains numeric criteria for alpha BHC, aldrin, and 4,4'-DDT of 0.0039 µg/L, 0.00013 µg/L, and 0.0059 µg/L, respectively, for freshwaters from which both water and organisms are consumed. Alpha BHC and aldrin were positively detected once in the four CTR sampling events while 4,4'-DDT was not detected above its method detection limit in 3 out of 4 sampling events; it was reported once as detected but not quantified at 0.005 µg/L. Due to the uncertainty regarding 4,4'-DDT in the effluent, in place of effluent limitations, additional monitoring for persistent chlorinated hydrocarbon pesticides has been established in this Order, with a reopener provision. If future monitoring results indicate that the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality standard, this Order may be reopened and effluent limitations added, as appropriate.

The maximum effluent concentrations of 0.044 ug/l and 0.005 µg/L are greater than the Basin Plan objectives and applicable criteria, therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion for aldrin and alpha BHC. An instantaneous maximum effluent limitation of non-detect for aldrin and alpha BHC are included in this Order based on the Basin Plan objectives

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A time schedule for compliance with the aldrin and alpha BHC final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

n. **Pathogens**. The beneficial uses of the South Yuba River include municipal and domestic supply, water contact recreation, and agricultural irrigation supply, and there is, at times, less than 20:1 dilution. To protect these beneficial uses, the Regional Water Board finds that the wastewater must be disinfected and adequately treated to prevent disease. The principal infectious agents (pathogens) that may be present in raw sewage may be classified into three broad groups: bacteria, parasites, and viruses. Tertiary treatment, consisting of chemical coagulation, sedimentation, and filtration, has been found to remove approximately 99.5% of viruses. Filtration is an effective means of reducing viruses and parasites from the waste stream. The wastewater must be treated to tertiary standards (filtered), or equivalent, to protect contact recreational and food crop irrigation uses.

The California Department of Public Health (DPH) has developed reclamation criteria, CCR, Division 4, Chapter 3 (Title 22), for the reuse of wastewater. Title 22 requires that for spray irrigation of food crops, parks, playgrounds, schoolyards, and other areas of similar public access, wastewater be adequately disinfected, oxidized, coagulated, clarified, and filtered, and that the effluent total coliform levels not exceed 2.2 MPN/100 m/ as a 7-day median. As coliform organisms are living and mobile, it is impracticable to quantify an exact number of coliform organisms and to establish weekly average limitations. Instead, coliform organisms are measured as a most probable number and regulated based on a 7-day median limitation.

Title 22 also requires that recycled water used as a source of water supply for non-restricted recreational impoundments be disinfected tertiary recycled water that has been subjected to conventional treatment. A non-restricted recreational impoundment is defined as "*…an impoundment of recycled water, in which no limitations are imposed on body-contact water recreational activities.*" Title 22 is not directly applicable to surface waters; however, the Regional Water Board finds that it is appropriate to apply an equivalent level of treatment to that required by DPH's reclamation criteria because the receiving water is used for irrigation of agricultural land and for contact recreation purposes. The stringent disinfection criteria of Title 22 are appropriate since the undiluted effluent may be used for the irrigation of food crops and/or for body-contact water recreation. Coliform organisms are intended as an indicator of the effectiveness of the entire treatment train and the effectiveness of removing other pathogens. The method of treatment is not prescribed by this Order; however, wastewater must be treated to a level equivalent to that recommended by DPH.

In addition to coliform testing, a turbidity operational specification has been

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included as a second indicator of the effectiveness of the treatment process and to assure compliance with the required level of treatment. The tertiary treatment process, or equivalent, is capable of reliably meeting a turbidity limitation of 2 nephelometric turbidity units (NTU) as a daily average. Failure of the filtration system such that virus removal is impaired would normally result in increased particles in the effluent, which result in higher effluent turbidity. Turbidity has a major advantage for monitoring filter performance, allowing immediate detection of filter failure and rapid corrective action. Coliform testing, by comparison, is not conducted continuously and requires several hours, to days, to identify high coliform concentrations. Therefore, to ensure compliance with the DPH recommended Title 22 disinfection criteria, weekly average effluent limitations are impracticable for turbidity.

o. **pH.** The Basin Plan includes a water quality objective for surface waters (except for Goose Lake) that the "…*pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.*" The Discharger requested a site-specific maximum permitted effluent pH for this discharge. Based on a review of monitoring records, a maximum permitted effluent pH of 8.0 is being established.

p. **Salinity.** The discharge contains total dissolved solids (TDS), chloride, sulfate, and electrical conductivity (EC). These are water quality parameters that are indicative of the salinity of the water. Their presence in water can be growth limiting to certain agricultural crops and can affect the taste of water for human consumption. There are no USEPA water quality criteria for the protection of aquatic organisms for these constituents. The Basin Plan contains a chemical constituent objective that incorporates State MCLs, contains a narrative objective, and contains numeric water quality objectives for EC, TDS, Sulfate, and Chloride.

Table F-4. Salinity Water Quality Criteria/Objectives

Parameter	Agricultural WQ Goal[1]	Secondary MCL[3]	Effluent	
			Avg	Max
EC (µmhos/cm)	Varies[2]	900, 1600, 2200	707.5	1413
TDS (mg/L)	Varies	500, 1000, 1500	512.5	926
Sulfate (mg/L)	Varies	250, 500, 600	41.7	71.1
Chloride (mg/L)	Varies	250, 500, 600	47.2	58.2

1 Agricultural water quality goals based on *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985)

2 The EC level in irrigation water that harms crop production depends on the crop type, soil type, irrigation methods, rainfall, and other factors. An EC

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level of 700 umhos/cm is generally considered to present no risk of salinity impacts to crops. However, many crops are grown successfully with higher salinities.

3 The secondary MCLs are stated as a recommended level, upper level, and a short-term maximum level.

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i. **Chloride**. The secondary MCL for chloride is 250 mg/L, as recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum. The recommended agricultural water quality goal for chloride, that would apply the narrative chemical constituent objective, is 106 mg/L as a long-term average based on Water Quality for Agriculture, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). The 106 mg/L water quality goal is intended to protect against adverse effects on sensitive crops when irrigated via sprinklers.

Chloride concentrations in the effluent ranged from 36.7 mg/L to 58.2 mg/L, with an average of 47.2 mg/L, for four samples collected by the Discharger from November 2003 through December 2006. Background concentrations in South Yuba River ranged from 16.8 mg/L to 30.7 mg/L, with an average of 23.8 mg/L, for two samples collected by the Discharger from November 2003 through February 2004.

ii. **Electrical Conductivity (EC)**. The secondary MCL for EC is 900 µmhos/cm as a recommended level, 1600 µmhos/cm as an upper level, and 2200 µmhos/cm as a short-term maximum. The agricultural water quality goal, that would apply the narrative chemical constituents objective, is 700 µmhos/cm as a long-term average based on Water Quality for Agriculture, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). The 700 µmhos/cm agricultural water quality goal is intended to prevent reduction in crop yield, i.e. a restriction on use of water, for salt-sensitive crops, such as beans, carrots, turnips, and strawberries. Most other crops can tolerate higher EC concentrations without harm, however, as the salinity of the irrigation water increases, more crops are potentially harmed by the EC, or extra measures must be taken by the farmer to minimize or eliminate any harmful impacts. Due to the high altitude, relatively cool temperatures, lack of suitable soils, and short growing season, there is no identified agricultural irrigation use of the local groundwater or the South Fork Yuba River in the vicinity of the discharge.

A review of the Discharger's monitoring reports from 1 June 2002 through 31 July 2007 shows effluent EC ranges from 164 µmhos/cm to 1413 µmhos/cm for 1229 samples, with a maximum annual average EC concentration of 636 µmhos/cm. The background receiving water EC averaged 62.7 µmhos/cm in 505 sampling events collected by the Discharger from 1 June 2002 through 31 July 2007. Data indicates that the maximum annual average EC level in the discharge is less than the screening level of

700 umhos/cm and does not demonstrate that the discharge will cause the receiving water to exceed the salinity screening values for protection of beneficial uses.

iii. **Sulfate**. The secondary MCL for sulfate is 250 mg/L as recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum. Sulfate concentrations in the effluent ranged from 25.3 mg/L to 71.1 mg/L, with an average of 41.7 mg/L, for four samples collected by the Discharger from November 2003 through December 2006. Background concentrations in South Yuba River ranged from 0.56 mg/L to 1.07 mg/L, with an average of 0.82 mg/L, for two samples collected by the Discharger from November 2003 through February 2004.

iv. **Total Dissolved Solids (TDS).** The secondary MCL for TDS is 500 mg/L as a recommended level, 1000 mg/L as an upper level, and 1500 mg/L as a short-term maximum. The recommended agricultural water quality goal for TDS, that would apply the narrative chemical constituent objective, is 450 mg/L as a long-term average based on Water Quality for Agriculture, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). Water Quality for Agriculture evaluates the impacts of salinity levels on crop tolerance and yield reduction, and establishes water quality goals that are protective of the agricultural uses. The 450 mg/L water quality goal is intended to prevent reduction in crop yield, i.e. a restriction on use of water, for salt-sensitive crops. Only the most salt sensitive crops require irrigation water of 450 mg/L or less to prevent loss of yield. Most other crops can tolerate higher TDS concentrations without harm, however, as the salinity of the irrigation water increases, more crops are potentially harmed by the TDS, or extra measures must be taken by the farmer to minimize or eliminate any harmful impacts.

TDS effluent concentrations ranged from 226 mg/L to 926 mg/L for nine samples collected by the Discharger from 1 June 2002 through 31 July 2007. The two highest sample results occurred in 2003 and 2005 and were 926 mg/L and 569 mg/L, respectively. The other samples ranged from a low of 226 in 2006 to a high of 483 in 2005. Due to the direct correlation between TDS and electrical conductivity, the performance-based effluent limitation for electrical conductivity in this Order is intended to maintain the TDS concentration in the discharge at the existing level.

v. **Salinity Effluent Limitations.** A final performance-based annual average effluent limitation for electrical conductivity has been established to maintain current salinity levels in the discharge.

q. **Settleable Solids.** For inland surface waters, the Basin Plan states that "[w]ater shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses."

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A review of the Discharger's monitoring reports from 1 June 2002 through 31 July 2007 shows no settable solids were detected in 1216 samples. This newly available information indicates that there is no reasonable potential for the discharge to cause or contribute to an exceedance of the water quality objective. Therefore, the settleable solids effluent limitations from the previous NPDES permit are not included in this Order. Effluent limitations for settleable solids are retained from the previous Order for land discharge and reclamation.

r. **Silver.** The CTR includes a hardness-dependent standard for the protection of freshwater aquatic life for silver. The CTR standards for metals are presented in dissolved concentrations. USEPA recommends conversion factors to translate dissolved concentrations to total concentrations. The conversion factor for silver in freshwater is 0.85 for the instantaneous maximum criterion. Using the lowest of receiving water measured hardness of 19 mg/L, the corresponding criterion is 0.23 µg/L, as total recoverable. The maximum observed effluent silver concentration was detected once out of four samples at a concentration of 0.26 µg/L collected in November 2003. All other samples were non-detect or were estimated quantities below the criterion value. Additional monitoring has been established for silver with a reopener provision if monitoring results indicate that the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality criteria. The maximum effluent concentration of 0.26 ug/l is greater than the applicable criteria, therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for silver. An instantaneous maximum effluent limitation of 0.23 µg/L is included in this Order based on CTR criteria for the protection of freshwater aquatic life.

A time schedule for compliance with the silver final effluent limitation is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

Toxicity. See Section IV.C.5. of the Fact Sheet regarding whole effluent toxicity.

s. **Zinc.** The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for zinc. The criteria for zinc are presented in dissolved concentrations. USEPA recommends conversion factors to translate dissolved concentrations to total concentrations. The conversion factors for zinc in freshwater are 0.978 for the acute criteria and 0.986 for the chronic criteria. Using the lowest measured hardness from the effluent (20 mg/L), the applicable chronic criterion (maximum four-day average concentration) and the applicable acute criterion (maximum one-hour average concentration) are both 30.64 µg/L, as total recoverable.

The MEC for total zinc was 30.8 µg/L, based on four samples collected between

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November 2003 and December 2006, while the maximum observed upstream receiving water zinc concentration was 6.1 µg/L, based on two samples collected between November 2003 and February 2004. The maximum effluent concentration is greater than the applicable criteria, therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for zinc. An AMEL and MDEL for total zinc are included in this Order based on CTR criteria for the protection of freshwater aquatic life (See Attachment F, Table F-13 for WQBEL calculations).

A time schedule for compliance with the zinc final effluent limitations is established in Cease and Desist Order (CDO) No. R5-2009-XXXX in accordance with CWC sections 13300 and 13385. The Order also requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

t. **Biostimulatory Substances**. Domestic wastewater contains a number of constituents that can, in combination with certain environmental conditions, contribute to growth of algae and other aquatic plant life in the receiving water. These constituents are primarily nitrogen (in the form of organic nitrogen, nitrates and nitrates) and phosphorus, although iron and other constituents can sometimes be the limiting nutrient in an aquatic system that contributes to algal and other aquatic plant growth. The Basin Plan includes a Water Quality Objective for Biostimulatory Substances which states: “Water shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses. This Order implements the Basin Plan water quality objective for biostimulatory substances and requires the Discharger to conduct a study on the biostimulatory effects of the discharge on the receiving stream. If the required study indicates that the Facility discharge contains biostimulatory substances that may cause or contribute to aquatic growths that causes nuisance or adversely affect beneficial uses, this Order may be reopened and effluent limitations added, as appropriate to eliminate the impact on the receiving water.

In late Spring 2008, the Regional Water Board received reports showing visible algal growth in the South Yuba River, primarily downstream of the Facility discharge. These growths were confirmed by Regional Water Board staff, and the Discharger’s consultants. Sampling for biostimulatory substances in the effluent discharge and in the receiving water was conducted by the Regional Water Board staff, finding concentrations of nitrogen compounds and phosphorus. Discharger self monitoring consistently reports detectable concentrations of nitrogen compounds in the discharge, however, sufficient data is not available to determine if the Facility discharge cause or contributed to the excessive algal growth observed in the receiving water. Similar observations of algal growth potentially associated with the Facility discharge have not been reported in the past.

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From the distribution of algal growth, it appears that the discharge from the Facility may be causing or contributing to the algal growths since algal growths have not been observed to take place in previous years under receiving water conditions that were similar to the Spring 2008 conditions. If the Facility discharge is identified as the cause or a contributing source to the algal growths in Spring 2008, there are a number of possible actions that may eliminate the impact, including: 1) reduce the concentration of one or more biostimulatory substances in the effluent discharge, which require construction of additional treatment facilities for removal of nitrogen and/or phosphorus compounds; 2) eliminate the discharge from the River at this location; 3) modify the existing prohibition against summer discharge of effluent to the River to a date earlier in the year, 4) allow discharges only when certain minimum dilution is available, and/or 5) allow discharge only when the receiving water is below a specified temperature to minimize the potential for aquatic growths.

At this time it is not definitively known what, if any, impact the Facility discharge has on algal growth, so it is not possible to determine what steps are needed to reduce or eliminate any impact. This Order requires the Discharger to conduct studies of the discharge and receiving water to evaluate the impact of the discharge on aquatic growth. Increased levels of effluent and receiving water monitoring, and increased frequency and locations for visual observation of the receiving water for aquatic growth are required. Based upon the results of the initial studies, the Discharger will be required to conduct a study on feasible alternatives to eliminate or reduce any identified impacts. This Order additionally contains a reopener to allow the addition and/or modification of permit prohibitions, limitations or requirements to address biostimulatory impacts to the River.

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4. WQBEL Calculations

a. Effluent limitations for aluminum, ammonia, copper, cyanide, dichlorobromomethane, and zinc were calculated in accordance with section 1.4 of the SIP. The following paragraphs describe the methodology used for calculating effluent limitations.

b. **Effluent Limitation Calculations.** In calculating maximum effluent limitations, the effluent concentration allowances were set equal to the criteria/standards/objectives.

$$ECA_{acute} = CMC \qquad ECA_{chronic} = CCC$$

For the human health, agriculture, or other long-term criterion/objective, a dilution credit can be applied. The ECA is calculated as follows:

$$ECA_{HH} = HH + D(HH - B)$$

where:

ECA_{acute} = effluent concentration allowance for acute (one-hour average) toxicity criterion

$ECA_{chronic}$ = effluent concentration allowance for chronic (four-day average) toxicity criterion

ECA_{HH} = effluent concentration allowance for human health, agriculture, or other long-term criterion/objective

CMC = criteria maximum concentration (one-hour average)

CCC = criteria continuous concentration (four-day average, unless otherwise noted)

HH = human health, agriculture, or other long-term criterion/objective

D = dilution credit

B = maximum receiving water concentration

Acute and chronic toxicity ECAs were then converted to equivalent long-term averages (LTA) using statistical multipliers and the lowest is used. Additional statistical multipliers were then used to calculate the maximum daily effluent limitation (MDEL) and the average monthly effluent limitation (AMEL).

Human health ECAs are set equal to the AMEL and a statistical multiplier is used to calculate the MDEL.

$$AMEL = mult_{AMEL}\left[\min\left(\overbrace{M_A ECA_{acute}}^{LTA_{acute}}, M_C ECA_{chronic}\right)\right]$$

$$MDEL = mult_{MDEL}\left[\min\left(M_A ECA_{acute}, \underbrace{M_C ECA_{chronic}}_{LTA_{chronic}}\right)\right]$$

$$MDEL_{HH} = \left(\frac{mult_{MDEL}}{mult_{AMEL}}\right) AMEL_{HH}$$

where: $mult_{AMEL}$ = statistical multiplier converting minimum LTA to AMEL
$mult_{MDEL}$ = statistical multiplier converting minimum LTA to MDEL
M_A = statistical multiplier converting CMC to LTA
M_C = statistical multiplier converting CCC to LTA

Water quality-based effluent limitations were calculated for aluminum, ammonia, copper, cyanide, dichlorobromomethane, and zinc as follows in Tables F-8 through F-13, below.

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Table F-8
WQBEL Calculations for Aluminium

	Acute	Chronic
Criteria (µg/L) [1]	750	87
Dilution Credit	No Dilution	No Dilution
ECA	750	87
ECA Multiplier	0.32	0.53
LTA	240.81	45.89
AMEL Multiplier (95th%)	[2]	1.55
AMEL (µg/L)	[2]	**71**
MDEL Multiplier (99th%)	[2]	3.11
MDEL (µg/L)	[2]	**143**

[1] USEPA Ambient Water Quality Criteria
[2] Limitations based on chronic LTA (Chronic LTA < Acute LTA)

Table F-9
WQBEL Calculations for Ammonia

	Acute	Chronic
pH [1]	8.0	7.1
Temperature °C [2]	N/A	17.2
Criteria (mg/L) [3]	5.62	4.76
Dilution Credit	No Dilution	No Dilution
ECA	5.62	4.76
ECA Multiplier	0.17	0.62
LTA [4]	0.96	2.95
AMEL Multiplier (95th%)	2.14	[5]
AMEL (mg/L)	**2.1**	[5]
MDEL Multiplier (99th%)	5.8	[5]
MDEL (mg/L)	**5.6**	[5]

[1] Acute design pH = 8.0 (max. allowed effluent pH), Chronic design pH = median receiving stream pH
[2] Temperature = Maximum 30-day average seasonal effluent temperature
[3] USEPA Ambient Water Quality Criteria
[4] LTA developed based on Acute and Chronic ECA Multipliers calculated at 99th percentile level per sections 5.4.1 and 5.5.4 of TSD.
[5] Limitations based on acute LTA ($LTA_{acute} < LTA_{chronic}$)

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Table F-10
WQBEL Calculations for Copper

	Acute	Chronic
Criteria, dissolved (µg/L) [1]	2.95	2.27
Dilution Credit	No Dilution	No Dilution
Translator [2]	0.96	0.96
ECA, total recoverable [3]	3.07	2.36
ECA Multiplier [4]	0.32	0.53
LTA	0.99	1.24
AMEL Multiplier (95th%) [5][6]	1.55	[8]
AMEL (µg/L)	1.5	[8]
MDEL Multiplier (99th%) [7]	3.11	[8]
MDEL (µg/L)	3.1	[8]

[1] CTR aquatic life criteria, based on a hardness of 20 mg/L as $CaCO_3$.
[2] EPA Translator used as default.
[3] ECA calculated per section 1.4.B, Step 2 of SIP. This allows for the consideration of dilution.
[4] Acute and Chronic ECA Multiplier calculated at 99th percentile per section 1.4.B, Step 3 of SIP or per sections 5.4.1 and 5.5.4 of the TSD.
[5] Assumes sampling frequency n=>4.
[6] The probability basis for AMEL is 95th percentile per section 1.4.B, Step 5 of SIP or section 5.5.4 of the TSD.
[7] The probability basis for MDEL is 99th percentile per section 1.4.B, Step 5 of SIP or section 5.5.4 of the TSD.
[8] Limitations based on chronic LTA (Chronic LTA > Acute LTA)

Table F-11
WQBEL Calculations for Cyanide

	Acute	Chronic
Criteria, dissolved (µg/L)	22	5.2
Dilution Credit	No Dilution	No Dilution
ECA, total recoverable	22	5.2
ECA Multiplier	0.32	0.53
LTA	7.06	2.74
AMEL Multiplier (95th%)	[1]	1.55
AMEL (µg/L)	[1]	4.26
MDEL Multiplier (99th%)	[1]	3.11
MDEL (µg/L)	[1]	8.54

[1] Limitations based on chronic LTA (Chronic LTA < Acute LTA)

Table F-12
WQBEL Calculations for Dichlorobromomethane

	Human Health
Criteria (µg/L)	0.56
Background Concentration (µg/L)	ND
Dilution Credit	24.5:1
ECA (µg/L)	13.87
AMEL (µg/L)	**13.87**
MDEL Multiplier (99th%)	2.01
MDEL (µg/L)	**27.88**

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Table F-13
WQBEL Calculations for Zinc

	Acute	Chronic
Criteria	30.64	30.64
ECA (µg/L)	30.64	30.64
ECA Multiplier	0.32	0.53
LTA	9.84	16.16
AMEL Multiplier (95th%)	1.55	(1)
AMEL (µg/L)	15.3	(1)
MDEL Multiplier (99th%)	3.11	(1)
MDEL (µg/L)	30.6	(1)

(1) Limitations based on Basin Plan LTA (Basin Plan LTA < Acute LTA < Chronic LTA)

Summary of Water Quality-based Effluent Limitations
Discharge Point 001

Table F-14. Summary of Water Quality-based Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	standard units	--	--	--	6.5	8.0
Aluminum	ug/L	71	--	143	--	--
Ammonia	mg/L	2.1	--	5.6	--	--
Copper, Total Recoverable	ug/L	1.5	--	3.1	--	--
Cyanide	ug/L	4.3	--	8.5	--	--
Aldrin	ug/L	--	--	--	--	ND
Alpha BHC	ug/L	--	--	--	--	ND
Dichlorobromomethane	ug/L	14	--	28	--	--
Nitrate	mg/L	18	--	--	--	--
	lbs/day[1]	78	--	--	--	--
Silver	ug/L	--	--	--	--	0.23
Zinc, Total Recoverable	ug/L	15	--	30	--	--

5. Whole Effluent Toxicity (WET)

For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Discharger to conduct whole effluent toxicity testing for acute and chronic toxicity, as specified in the Monitoring and Reporting Program (Attachment E, Section V.). This Order also contains effluent limitations for acute toxicity and requires the Discharger to implement best management practices to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity.

a. **Acute Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant,*

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animal, or aquatic life." (Basin Plan at III-8.00) The Basin Plan also states that, "…*effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate*…". USEPA Region 9 provided guidance for the development of acute toxicity effluent limitations in the absence of numeric water quality objectives for toxicity in its document titled "Guidance for NPDES Permit Issuance", dated February 1994. In section B.2. "Toxicity Requirements" (pgs. 14-15) it states that, "*In the absence of specific numeric water quality objectives for acute and chronic toxicity, the narrative criterion 'no toxics in toxic amounts' applies. Achievement of the narrative criterion, as applied herein, means that ambient waters shall not demonstrate for acute toxicity: 1) less than 90% survival, 50% of the time, based on the monthly median, or 2) less than 70% survival, 10% of the time, based on any monthly median. For chronic toxicity, ambient waters shall not demonstrate a test result of greater than 1 TUc."* Accordingly, effluent limitations for acute toxicity have been included in this Order as follows:

Acute Toxicity. Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassays ----------	70%
Median for any three or more consecutive bioassays ---------	90%

b. **Chronic Aquatic Toxicity.**

No dilution has been granted in this Order for the whole effluent chronic toxicity. Chronic toxicity testing results exceeding 1 chronic toxicity unit (TUc) demonstrates the discharge has a reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective. Based on quarterly toxicity testing performed by the Discharger from 8 December 2003 through 4 December 2007, the discharge has reasonable potential to cause or contribute to an to an in-stream excursion above of the Basin Plan's narrative toxicity objective. Therefore, a narrative chronic toxicity effluent limitation is included in this Order.

Numeric chronic WET effluent limitations have not been included in this order. The SIP contains implementation gaps regarding the appropriate form and implementation of chronic toxicity limits. This has resulted in the petitioning of a NPDES permit in the Los Angeles Region[5] that contained numeric chronic toxicity effluent limitations. To address the petition, the State Water Board adopted WQO 2003-012 directing its staff to revise the toxicity control provisions in the SIP. The State Water Board states the following in WQO 2003-012*, "In*

[5] In the Matter of the Review of Own Motion of Waste Discharge Requirements Order Nos. R4-2002-0121 [NPDES No. CA0054011] and R4-2002-0123 [NPDES NO. CA0055119] and Time Schedule Order Nos. R4-2002-0122 and R4-2002-0124 for Los Coyotes and Long Beach Wastewater Reclamation Plants Issued by the California Regional Water Quality Control Board, Los Angeles Region SWRCB/OCC FILES A-1496 AND 1496(a)

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reviewing this petition and receiving comments from numerous interested persons on the propriety of including numeric effluent limitations for chronic toxicity in NPDES permits for publicly-owned treatment works that discharge to inland waters, we have determined that this issue should be considered in a regulatory setting, in order to allow for full public discussion and deliberation. We intend to modify the SIP to specifically address the issue. We anticipate that review will occur within the next year. We therefore decline to make a determination here regarding the propriety of the final numeric effluent limitations for chronic toxicity contained in these permits." The process to revise the SIP is currently underway. Proposed changes include clarifying the appropriate form of effluent toxicity limits in NPDES permits and general expansion and standardization of toxicity control implementation related to the NPDES permitting process. Since the toxicity control provisions in the SIP are under revision it is infeasible to develop numeric effluent limitations for chronic toxicity. Therefore, this Order includes a narrative chronic toxicity effluent limitation and requires that the Discharger meet best management practices for compliance with the Basin Plan's narrative toxicity objective, as allowed under 40 CFR 122.44(k).

To ensure compliance with the Basin Plan's narrative toxicity objective, the Discharger is required to conduct chronic whole effluent toxicity testing, as specified in the Monitoring and Reporting Program (Attachment E, Section V.). Furthermore, Special Provisions VI.C.2.a. of this Order requires the Discharger to investigate the causes of, and identify and implement corrective actions to reduce or eliminate effluent toxicity. If the discharge demonstrates a pattern of toxicity exceeding the numeric toxicity monitoring trigger, the Discharger is required to initiate a Toxicity Reduction Evaluation (TRE), in accordance with an approved TRE work plan. The numeric toxicity monitoring trigger is not an effluent limitation, it is the toxicity threshold at which the Discharger is required to perform accelerated chronic toxicity monitoring, as well as, the threshold to initiate a TRE if a pattern of effluent toxicity has been demonstrated. As specified in Section VII. F, compliance with the accelerated monitoring and TRE/TIE provisions contained in this Order shall constitute compliance with the narrative effluent limitation for chronic whole effluent toxicity

D. Final Effluent Limitations

1. Mass-based Effluent Limitations.

Title 40 CFR 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 CFR 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of

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concentration (e.g. CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

2. Averaging Periods for Effluent Limitations.

Title 40 CFR 122.45 (d) requires average weekly and average monthly discharge limitations for publicly owned treatment works (POTWs) unless impracticable. However, for toxic pollutants and pollutant parameters in water quality permitting, the US EPA recommends the use of a maximum daily effluent limitation in lieu of average weekly effluent limitations for two reasons. "*First, the basis for the 7-day average for POTWs derives from the secondary treatment requirements. This basis is not related to the need for assuring achievement of water quality standards. Second, a 7-day average, which could comprise up to seven or more daily samples, could average out peak toxic concentrations and therefore the discharge's potential for causing acute toxic effects would be missed.*" (TSD, pg. 96) This Order utilizes maximum daily effluent limitations in lieu of average weekly effluent limitations for ammonia, aluminum, chlorine residual[6], copper, dichlorobromomethane, and dissolved oxygen as recommended by the TSD for the achievement of water quality standards and for the protection of aquatic life beneficial uses of the receiving stream. Furthermore, for BOD, TSS, aldrin, alpha BHC, silver, pH, coliform, and turbidity, weekly average effluent limitations have been replaced or supplemented with effluent limitations and operational specifications utilizing shorter averaging periods. The rationale for using shorter averaging periods for these constituents is discussed in Attachment F, Section IV.C.3., above.

3. Satisfaction of Anti-Backsliding Requirements.

Some effluent limitations in this Order are less stringent that those in the previous Order. As discussed below this relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

Order No. R5-2002-0088 required effluent limitations for settleable solids. Effluent limitations for settleable solids have been eliminated due to newly available monitoring information that demonstrates the discharge does not have a reasonable potential to cause or contribute to an exceedance of the settleable solids water quality objective in the receiving water. Elimination of effluent limitations of settleable solids is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16. Any impact on existing water quality will be insignificant.

The effluent limitation for nitrate in this Order is less stringent than the effluent limitations of the previous Order because it accounts for dilution. Anti-backsliding requirements are satisfied pursuant to CWA section 402(o)(2)(B), where the documented study of a dilution factor that is protective of the beneficial uses of the

[6] This Order applies the USEPA National Ambient Water Quality Criteria for chlorine directly as effluent limitations (1 hour average, acute, and 4-day average, chronic). See Section IV.C.3., above, for rational regarding the chlorine residual effluent limitations.

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receiving water was submitted with the report of waste discharge required in the previous permit is newly available information not available during the issuance of the previous Order.

The previous Order contained effluent limitations for turbidity. The limitations served solely as an operational check to ensure the treatment system is functioning properly and has the ability to meet the limits for total coliform organisms. The turbidity effluent limitations were not intended to regulate turbidity as a water quality based effluent limitation to protect beneficial uses in the receiving water. Rather, the measure of turbidity is an operational parameter to determine proper system functioning.

This Order contains operational requirements for turbidity to be met prior to disinfection in lieu of effluent limitations. The operational requirements in this Order are equivalent to the effluent limitations required in the Previous Order, and therefore do not constitute backsliding and do not allow degradation The revision in the turbidity limitation is therefore consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16..

4. Satisfaction of Antidegradation Policy

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

Summary of Final Effluent Limitations
Discharge Point 001

Table F-15. Summary of Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD 5-day @ 20 ° C	mg/L	10	15	30	--	--
	lbs/day[1]	43	65	130	--	--
pH	standard units	--	--	--	6.5	8.0
Total Suspended Solids (TSS)	mg/L	10	15	30	--	--
	lbs/day[1]	43	65	130	--	--
Aluminum	ug/L	71	--	143	--	--
Ammonia	mg/L	2.1	--	5.6	--	--
Copper, Total Recoverable	ug/L	1.5	--	3.1	--	--
Cyanide	ug/L	4.3	--	8.5	--	--
Aldrin	ug/L	--	--	--	--	ND
Alpha BHC	ug/L	--	--	--	--	ND
Dichlorobromomethane	ug/L	14	--	28	--	--
Nitrate	mg/L	18	--	--	--	--
	lbs/day[1]	78	--	--	--	--

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Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Silver	ug/L	--	--	--	--	0.23
Zinc, Total Recoverable	ug/L	15	--	30	--	--

1. Based on the regulated average dry weather flow of 0.52 mgd.

a. **Percent Removal:** The average monthly percent removal of BOD 5-day 20°C and total suspended solids shall not be less than 85 percent.

b. **Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

iii. 70%, minimum for any one bioassay; and
iv. 90%, median for any three consecutive bioassays.

c. **Total Residual Chlorine.** Effluent total residual chlorine shall not exceed:

iii. 0.01 mg/L, as a 4-day average;
iv. 0.02 mg/L, as a 1-hour average;

d. **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed:

iv. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
v. 23 MPN/100 mL, more than once in any 30-day period; and
vi. 240 MPN/100 mL, at any time.

e. **Average Dry Weather Flow.** The Average Dry Weather Flow shall not exceed 0.52 mgd.

f. **Electrical Conductivity (EC).** The annual average EC level in the effluent shall not exceed the EC level (umhos/cm) in the water supply plus 500.

g. **Manganese.** The annual average manganese concentration in the effluent shall not exceed 50 µg/L.

h. **Chronic Whole Effluent Toxicity.** There shall be no chronic toxicity in the effluent discharge.

E. Interim Effluent Limitations

1. **Aluminum and manganese.** The SIP, section 2.2.1, requires that if a compliance schedule is granted for a CTR or NTR constituent, the Regional Water Board shall establish interim requirements and dates for their achievement in the NPDES permit. The interim limitations must be based on current treatment plant performance or existing permit limitations, whichever is more stringent. The State Water Board has held that the SIP may be used as guidance for non-CTR constituents. Therefore, the SIP requirement for interim effluent limitations has been applied to both CTR and non-CTR constituents in this Order.

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The interim limitations for aluminum and manganese in this Order are based on the current treatment plant performance. In developing the interim limitation, where there are ten sampling data points or more, sampling and laboratory variability is accounted for by establishing interim limits that are based on normally distributed data where 99.9% of the data points will lie within 3.3 standard deviations of the mean (*Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row*). Therefore, the interim limitations in this Order are established as the mean plus 3.3 standard deviations of the available data.

When there are less than ten sampling data points available, the *Technical Support Document for Water Quality- Based Toxics Control* ((EPA/505/2-90-001), TSD) recommends a coefficient of variation of 0.6 be utilized as representative of wastewater effluent sampling. The TSD recognizes that a minimum of ten data points is necessary to conduct a valid statistical analysis. The multipliers contained in Table 5-2 of the TSD are used to determine a maximum daily limitation based on a long-term average objective. In this case, the long-term average objective is to maintain, at a minimum, the current plant performance level. Therefore, when there are less than ten sampling points for a constituent, interim limitations are based on 3.11 times the maximum observed effluent concentration to obtain the daily maximum interim limitation (TSD, Table 5-2).

The Regional Water Board finds that the Discharger can undertake source control and treatment plant measures to maintain compliance with the interim limitations included in this Order. Interim limitations are established when compliance with effluent limitations cannot be achieved by the existing discharge. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim limitations, however, establish an enforceable ceiling concentration until compliance with the effluent limitation can be achieved.

Table 7 summarizes the calculations of the interim effluent limitations for aluminum and manganese:

Table F-7. Interim Effluent Limitation Calculation Summary

Parameter	MEC	Mean	Std. Dev.	# of Samples	Interim Limitation
Aluminum	620	261	313	3	1930
Manganese	88	40	39	4	275

Note: All values are in µg/L.

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F. Land Discharge Specifications

1. The Land Discharge Specifications are necessary to protect the beneficial uses of the groundwater.

G. Reclamation Specifications

Treated wastewater discharged for reclamation is regulated under separate waste discharge requirements and must meet the requirements of California Code of Regulations, Title 22.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The tastes and odors objective states that surface water and groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

A. Surface Water

1. CWA section 303(a-c), requires states to adopt water quality standards, including criteria where they are necessary to protect beneficial uses. The Regional Water Board adopted water quality criteria as water quality objectives in the Basin Plan. The Basin Plan states that "*[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect the beneficial uses*." The Basin Plan includes numeric and narrative water quality objectives for various beneficial uses and water bodies. This Order contains Receiving Surface Water Limitations based on the Basin Plan numerical and narrative water quality objectives for biostimulatory substances, chemical constituents, color, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, salinity, sediment, settleable material, suspended material, tastes and odors, temperature, toxicity, turbidity, and electrical conductivity.

   Numeric Basin Plan objectives for bacteria, dissolved oxygen, pH, temperature, and turbidity are applicable to this discharge and have been incorporated as Receiving

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Surface Water Limitations. Rational for these numeric receiving surface water limitations are as follows:

a. **Bacteria.** The Basin Plan includes a water quality objective that "*[I]n water designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml*." Numeric Receiving Water Limitations for bacteria are included in this Order and are based on the Basin Plan objective.

b. **Biostimulatory Substances**. The Basin Plan includes a water quality objective that "*[W]ater shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses."* Receiving Water Limitations for biostimulatory substances are included in this Order and are based on the Basin Plan objective.

c. **Color**. The Basin Plan includes a water quality objective that "*[W]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses."* Receiving Water Limitations for color are included in this Order and are based on the Basin Plan objective.

d. **Chemical Constituents**. The Basin Plan includes a water quality objective that *"[W]aters shall not contain chemical constituents in concentrations that adversely affect beneficial uses."* Receiving Water Limitations for chemical constituents are included in this Order and are based on the Basin Plan objective.

e. **Dissolved Oxygen.** The South Yuba River has been designated as having the beneficial use of cold freshwater aquatic habitat (COLD). For water bodies designated as having COLD as a beneficial use, the Basin Plan includes a water quality objective of maintaining a minimum of 7.0 mg/L of dissolved oxygen. Since the beneficial use of COLD does apply to the South Yuba River, a receiving water limitation of 7.0 mg/L for dissolved oxygen was included in this Order.

   For surface water bodies outside of the Delta, the Basin Plan includes the water quality objective that "…*the monthly median of the mean daily dissolved oxygen (DO) concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation.*" This objective was included as a receiving water limitation in this Order.

f. **Floating Material**. The Basin Plan includes a water quality objective that *"[W]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses."* Receiving Water Limitations for floating material are included in this Order and are based on the Basin Plan objective.

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g. **Oil and Grease**. The Basin Plan includes a water quality objective that *"[W]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses."* Receiving Water Limitations for oil and grease are included in this Order and are based on the Basin Plan objective.

h. **pH.** The Basin Plan includes water quality objective that *"[T]he pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses*". This Order includes receiving water limitations for both pH range and pH change.

   The Basin Plan allows an appropriate averaging period for pH change in the receiving stream. Since there is no technical information available that indicates that aquatic organisms are adversely affected by shifts in pH within the 6.5 to 8.5 range, an averaging period is considered appropriate and a monthly averaging period for determining compliance with the 0.5 receiving water pH limitation is included in this Order.

i. **Pesticides**. The Basin Plan includes a water quality objective for pesticides beginning on page III-6.00. Receiving Water Limitations for pesticides are included in this Order and are based on the Basin Plan objective.

j. **Radioactivity**. The Basin Plan includes a water quality objective that *"[R]adionuclides shall not be present in concentrations that are harmful to human, plant, animal or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life."* The Basin Plan states further that *"[A]t a minimum, waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations…"* Receiving Water Limitations for radioactivity are included in this Order and are based on the Basin Plan objective.

k. **Sediment.** The Basin Plan includes a water quality objective that *"[T]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses"* Receiving Water Limitations for suspended sediments are included in this Order and are based on the Basin Plan objective.

l. **Settleable Material.** The Basin Plan includes a water quality objective that *"[W]aters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses."* Receiving Water Limitations for settleable material are included in this Order and are based on the Basin Plan objective.

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m. **Suspended Material.** The Basin Plan includes a water quality objective that *"[W]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses."* Receiving Water Limitations for suspended material are included in this Order and are based on the Basin Plan objective.

n. **Taste and Odors**. The Basin Plan includes a water quality objective that *"[W]ater shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses."* Receiving Water Limitations for taste- or odor-producing substances are included in this Order and are based on the Basin Plan objective.

o. **Temperature.** The South Yuba River has the beneficial uses of COLD. The Basin Plan includes the objective that "[a]*t no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5ºF above natural receiving water temperature*." This Order includes a receiving water limitation based on this objective.

p. **Toxicity**. The Basin Plan includes a water quality objective that *"[A]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life."* Receiving Water Limitations for toxicity are included in this Order and are based on the Basin Plan objective.

q. **Turbidity.** The Basin Plan includes a water quality objective that "*[I]ncreases in turbidity attributable to controllable water quality factors shall not exceed the following limits:*

- *Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.*
- *Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.*
- *Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.*
- *Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent*."

A numeric Receiving Surface Water Limitation for turbidity is included in this Order and is based on the Basin Plan objective for turbidity.

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B. Groundwater

1. The beneficial uses of the underlying ground water are municipal and domestic supply, industrial service supply, industrial process supply, and agricultural supply.

2. Basin Plan water quality objectives include narrative objectives for chemical constituents, tastes and odors, and toxicity of groundwater. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective states groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use. The tastes and odors objective prohibits taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan also establishes numerical water quality objectives for chemical constituents and radioactivity in groundwaters designated as municipal supply. These include, at a minimum, compliance with MCLs in Title 22 of the CCR. The bacteria objective prohibits coliform organisms at or above 2.2 MPN/100 ml. The Basin Plan requires the application of the most stringent objective necessary to ensure that waters do not contain chemical constituents, toxic substances, radionuclides, taste- or odor-producing substances, or bacteria in concentrations that adversely affect municipal or domestic supply, agricultural supply, industrial supply or some other beneficial use.

3. Groundwater limitations are required to protect the beneficial uses of the underlying groundwater.

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VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring

1. Influent monitoring is required to collect data on the characteristics of the wastewater and to assess compliance with effluent limitations (*e.g.*, BOD and TSS reduction requirements).

B. Effluent Monitoring

1. Pursuant to the requirements of 40 CFR §122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to

assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream.

2. The SIP states that if "…*all reported detection limits of the pollutant in the effluent are greater than or equal to the C* [water quality criterion or objective] *value, the RWQCB* [Regional Water Board] *shall establish interim requirements…that require additional monitoring for the pollutant….*" All reported detection limits for constituents are greater than or equal to corresponding applicable water quality criteria or objectives. Monitoring for these constituents has been included in this Order in accordance with the SIP.

C. Whole Effluent Toxicity Testing Requirements

1. **Acute Toxicity.** Quarterly 96-hour bioassay testing is required to demonstrate compliance with the effluent limitation for acute toxicity.

2. **Chronic Toxicity.** Quarterly chronic whole effluent toxicity testing is required in order to demonstrate compliance with the Basin Plan's narrative toxicity objective.

D. Receiving Water Monitoring

1. Surface Water

a. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

2. Groundwater – Not Applicable

E. Other Monitoring Requirements

1. **Biosolids Monitoring**

Biosolids monitoring is required to ensure compliance with the biosolids disposal requirements (Special Provisions VI.C.6.a.). Biosolids disposal requirements are imposed pursuant to 40 CFR Part 503 to protect public health and prevent groundwater degradation.

2. **Water Supply Monitoring**

Water supply monitoring is required to evaluate the source of constituents in the wastewater.

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VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

a. **Pollution Prevention.** This Order requires the Discharger prepare pollution prevention plans following CWC section 13263.3(d)(3) for aluminum, ammonia, copper, cyanide, manganese, nitrate, and zinc. This reopener provision allows the Regional Water Board to reopen this Order for addition and/or modification of effluent limitations and requirements for these constituents based on a review of the pollution prevention plans.

b. **Whole Effluent Toxicity.** This Order requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity through a Toxicity Reduction Evaluation (TRE). This Order may be reopened to include a numeric chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE. Additionally, if a numeric chronic toxicity water quality objective is adopted by the State Water Board, this Order may be reopened to include a numeric chronic toxicity limitation based on that objective.

c. **Mixing Zone.** This Order requires the Discharger to: (1) replace the existing side-stream rock diffuser with a new cross-stream diffuser that will create a completely mixed effluent discharge condition in the receiving water, and (2) conduct and submit and mixing zone study incorporating the mixing resulting from the new diffuser. This Order may be reopened to add or modify the effluent limitations and requirements to assure completely mixed effluent discharge

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conditions and attainment of water quality objectives at the boundary of the identified mixing zone

d. **Biostimulatory Substances Study.** This Order requires the Discharger to conduct studies of the discharge and receiving water to evaluate the impact of the discharge on aquatic growth. Based upon the results of the initial studies, the Discharger will be required to conduct a study on feasible alternatives to eliminate or reduce any impacts. This Order may be reopened to address biostimulatory issues, which could include imposition of new or more stringent effluent limitations, or other limitations on the manner and location of discharge to the River.

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2. Special Studies and Additional Monitoring Requirements

a. **Chronic Whole Effluent Toxicity Requirements.** The Basin Plan contains a narrative toxicity objective that states, "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." (Basin Plan at III-8.00.) WET data demonstrates the discharge has a reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan's narrative toxicity objective. Attachment E of this Order requires Quarterly chronic WET monitoring for demonstration of compliance with the narrative toxicity objective.

In addition to WET monitoring, this provision requires the Discharger to submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if a pattern of toxicity is demonstrated.

Monitoring Trigger. A numeric toxicity monitoring trigger of > 1 TUc (where TUc = 100/NOEC) is applied in the provision, because this Order does not allow any dilution for the chronic condition. Therefore, a TRE is triggered when the effluent exhibits a pattern of toxicity at 100% effluent.

Accelerated Monitoring. The provision requires accelerated WET testing when a regular WET test result exceeds the monitoring trigger. The purpose of accelerated monitoring is to determine, in an expedient manner, whether there is a pattern of toxicity before requiring the implementation of a TRE. Due to possible seasonality of the toxicity, the accelerated monitoring should be performed in a timely manner, preferably taking no more than 2 to 3 months to complete.

The provision requires accelerated monitoring consisting of four chronic toxicity tests every two weeks using the species that exhibited toxicity. Guidance regarding accelerated monitoring and TRE initiation is provided in the *Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991* (TSD). The TSD at page 118 states, "EPA recommends if toxicity is repeatedly or periodically present at levels above effluent limits more than 20 percent of the time, a TRE should be required." Therefore, four accelerated monitoring tests are required in this provision. If no toxicity is demonstrated in the four accelerated tests, then it demonstrates that toxicity is not present at levels above the monitoring trigger more than 20 percent of the time (only 1 of 5 tests are toxic, including the initial test). However, notwithstanding the accelerated monitoring results, if there is adequate evidence of a pattern of effluent toxicity (i.e. toxicity present exceeding the monitoring trigger more than 20 percent of the time), the Executive Officer may require that the Discharger initiate a TRE.

See the WET Accelerated Monitoring Flow Chart (Figure F-X), below, for further clarification of the accelerated monitoring requirements and for the decision points for determining the need for TRE initiation.

TRE Guidance. The Discharger is required to prepare a TRE Work Plan in accordance with USEPA guidance. Numerous guidance documents are available, as identified below:

- *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants,* (EPA/833B-99/002), August 1999.
- Generalized Methodology for Conducting Industrial TREs*, (EPA/600/2-88/070), April 1989.*
- *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures,* Second Edition, EPA 600/6-91/005F, February 1991.
- *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I*, EPA 600/6-91/005F, May 1992.
- *Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting acute and Chronic Toxicity,* Second Edition, EPA 600/R-92/080, September 1993.
- *Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity*, Second Edition, EPA 600/R-92/081, September 1993.

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- *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, EPA-821-R-02-012, October 2002.

- *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA-821-R-02-013, October 2002.

- *Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991*

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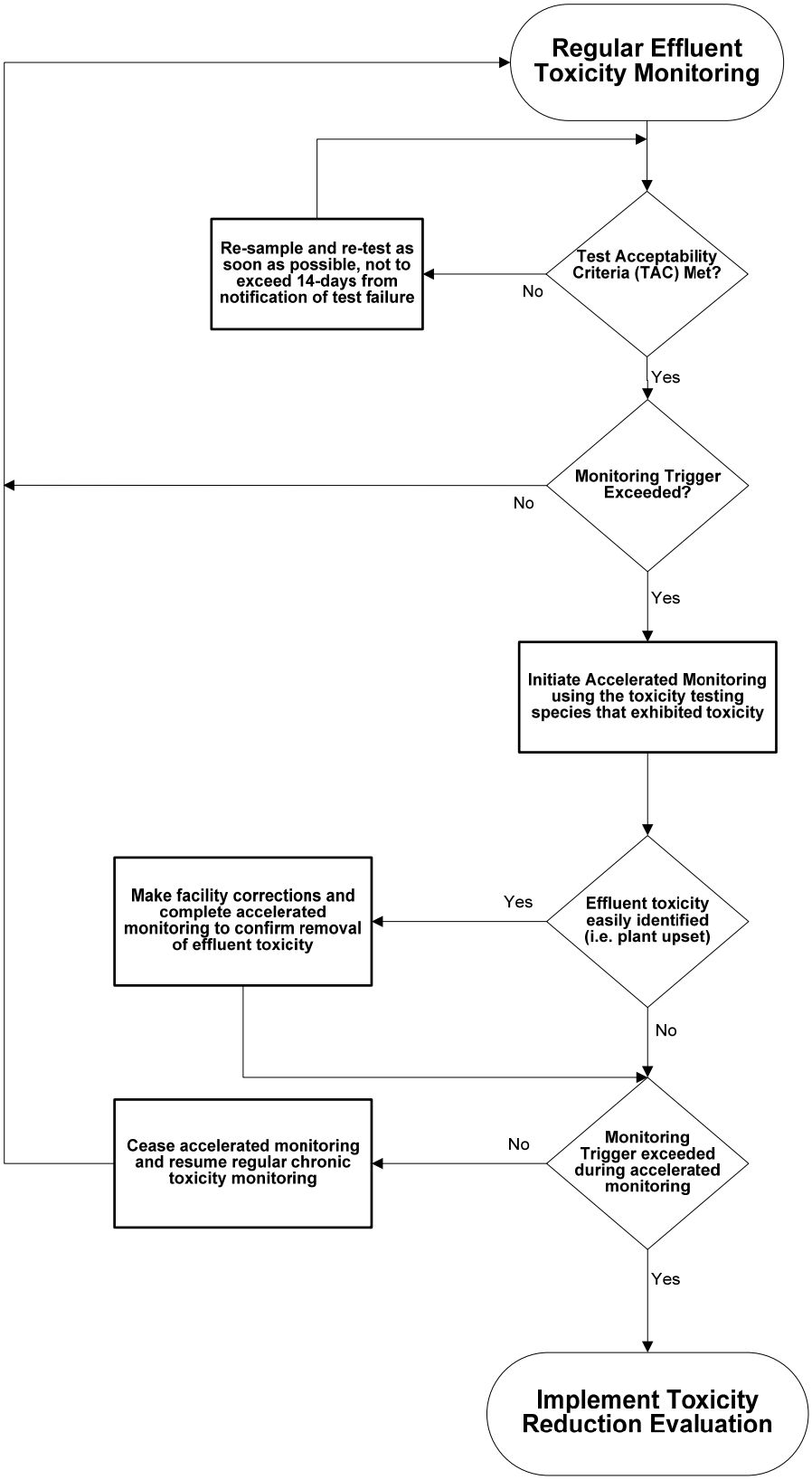
Figure F-3
WET Accelerated Monitoring Flow Chart



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3. Best Management Practices and Pollution Prevention

a. **Salinity Evaluation and Minimization Plan.** In accordance with 40 CFR §122.44(k), the Discharger is required to implement best management practices to reduce the discharge of salinity to the Feather River. Particularly an Evaluation and Minimization Plan for salinity is required in this Order to ensure adequate measures are developed and implemented by the Discharger.

b. **CWC section 13263.3(d)(3) Pollution Prevention Plans.** The pollution prevention plans required for aluminum, ammonia, copper, cyanide, manganese, nitrate, and zinc shall, at minimum, meet the requirements outlined in CWC section 13263.3(d)(3). The minimum requirements for the pollution prevention plans include the following:

i. An estimate of all of the sources of a pollutant contributing, or potentially contributing, to the loadings of a pollutant in the treatment plant influent.

ii. An analysis of the methods that could be used to prevent the discharge of the pollutants into the Facility, including application of local limits to industrial or commercial dischargers regarding pollution prevention techniques, public education and outreach, or other innovative and alternative approaches to reduce discharges of the pollutant to the Facility. The analysis also shall identify sources, or potential sources, not within the ability or authority of the Discharger to control, such as pollutants in the potable water supply, airborne pollutants, pharmaceuticals, or pesticides, and estimate the magnitude of those sources, to the extent feasible.

iii. An estimate of load reductions that may be attained through the methods identified in subparagraph ii.

iv. A plan for monitoring the results of the pollution prevention program.

v. A description of the tasks, cost, and time required to investigate and implement various elements in the pollution prevention plan.

vi. A statement of the Discharger's pollution prevention goals and strategies, including priorities for short-term and long-term action, and a description of the Discharger's intended pollution prevention activities for the immediate future.

vii. A description of the Discharger's existing pollution prevention programs.

viii. An analysis, to the extent feasible, of any adverse environmental impacts, including cross-media impacts or substitute chemicals that may result from the implementation of the pollution prevention program.

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ix. An analysis, to the extent feasible, of the costs and benefits that may be incurred to implement the pollution prevention program.

4. Construction, Operation, and Maintenance Specifications

5. Special Provisions for Municipal Facilities (POTWs Only)

a. **Sludge/Biosolids Discharge Specifications.**

The sludge/biosolids provisions are required to ensure compliance with State disposal requirements (Title 27, CCR, Division 2, Subdivision 1, section 20005, et seq) and USEPA sludge/biosolids use and disposal requirements at 40 CFR Part 503.

b. **Collection System.**

These provisions are included to ensure compliance with the requirements in the 2 May 2006, the State Water Board adopted State Water Board Order 2006-0003, a Statewide General WDR for Sanitary Sewer Systems.

6. Other Special Provisions

The purpose of this In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board.

7. Compliance Schedules

The use and location of compliances schedules in the permit depends on the Discharger's ability to comply and the source of the applied water quality criteria.

a. The Discharger submitted a request, and justification, within 90 days of the effective date of this Order, for a compliance schedule for aluminum, ammonia, and manganese. The compliance schedule justification included all items specified in Paragraph 3, items (a) through (d), of Section 2.1 of the SIP. This Order establishes a compliance schedule for the new, final, water quality-based effluent limitations for aluminum, ammonia, and manganese and requires full compliance by five years from the effective date of this Order.

b. The Discharger submitted a request, and justification, within 90 days of the effective date of this Order**,** for a compliance schedule for copper, cyanide, and zinc. The compliance schedule justification included all items specified in Paragraph 3, items (a) through (d), of Section 2.1 of the SIP. This Order establishes a compliance schedule for the new, final, water quality-based effluent

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limitations for copper, cyanide, and zinc and requires full compliance by 18 May 2010.

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Donner Summit Public Utilities District Wastewater Treatment Plant. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided by publishing the Notice of Public Hearing in a local newspaper.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on <Date>.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date:	23/24 April 2009
Time:	8:30 am
Location:	Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Dr., Suite #200 Rancho Cordova, CA 95670

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

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Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/rwqcb5/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

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

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board office by calling the receptionist at (916) 464-3291.

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 this 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 Diana Messina at (916) 464-4828.

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