Response to Written Comments
and
Staff Initiated Changes

on draft Waste Discharge Requirements Order No. R1-2017-0002,
National Pollutant Discharge Elimination System (NPDES)
for the City of Crescent City Wastewater Treatment Facility

Regional Water Quality Control Board, North Coast Region
February 2, 2017

Comment Letter Received

The deadline for submission of public comments regarding draft Waste Discharge Requirements Order No. R1-2017-0002, National Pollutant Discharge Elimination System Permit (Draft Permit) for the City of Crescent City Wastewater Treatment Facility was October 28, 2016. The City of Crescent City (City) provided timely comments. In this document, the comments are reproduced in their entirety, followed by the Regional Water Board staff response. Text to be added is identified by underline and text to be deleted is identified by ~~strike-through~~ in this document. The terms "Draft Permit" and "Tentative Order" refer to the draft that was sent out for public comment. The term "Proposed Permit" refers to the version of the permit that has been modified in response to comments and is being presented to the Regional Water Board for consideration.

City of Crescent City Comments

Comment 1: *Section IV, Table 4, page 6. Table 4 contains Effluent Limitations for both Tetrachloroethylene and Bis(2-ethylhexyl) phthalate. As both Tetrachloroethylene (TCE) and Bis(2-ethylhexyl) phthalate were inconclusive because the reasonable potential analysis result is inconclusive (See Table F-5 of the Tentative Order), the City requests they not be included as a Table 4 effluent limitation.*

Response 1: Regional Water Board staff has determined that the California Ocean Plan (2015) includes provisions that allow for the potential removal of an effluent limitation when the reasonable potential analysis (RPA) is inconclusive. Ocean Plan Appendix VI, *Reasonable Potential Procedure for Determining Which Table 1 Objectives Require Effluent Limitations* provides a stepwise procedure for conducting RPAs and identifies three endpoints of the RPA. Endpoint 3 applies to inconclusive RPA results. The Ocean Plan states, "Endpoint 3: The RPA is inconclusive. Monitoring for the pollutant or whole effluent toxicity testing, consistent with the monitoring frequency in Appendix III [of the Ocean Plan], is required. An existing effluent limitation for the pollutant shall remain in the permit, otherwise the permit shall include a reopener clause to allow for subsequent modification of the permit to include an effluent limitation if the monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above a Table 1 water quality objective." Appendix III of the Ocean Plan states that the minimum monitoring frequency for discharges less than 10 MGD for Table 1 pollutants (priority pollutants) and chronic toxicity is annual.

Since the Proposed Permit includes annual monitoring for Table 1 pollutants and chronic toxicity and a reopener clause to allow for subsequent modification of the permit to include effluent limitations for any pollutant(s) that exhibit reasonable potential, removal of the effluent limitations for TCE and bis(2-ethylhexyl) phthalate is consistent with the requirements of the Ocean Plan.

The Proposed Permit includes the following changes in response to this comment:

Table 4, *Effluent Limitations* has been revised to remove effluent limitations for TCE and bis(2-ethylhexyl) phthalate.

Table E-1, *Test Methods and Minimum Levels for Priority Pollutants* has been revised to remove TCE and bis(2-ethylhexyl) phthalate.

Table E-4, *Effluent Monitoring – Monitoring Location EFF-001* in the Monitoring and Reporting Program has been revised to remove annual monitoring requirements for TCE and bis(2-ethylhexyl) phthalate and to remove Table Note 8 which stated, "In order to verify bis(2-ethylhexyl) phthalate is truly present in the effluent discharge, the Permittee shall take steps to assure that sample containers, sampling apparatus, and analytical equipment are not sources of the detected contaminant." Annual monitoring for Ocean Plan Table 1 Pollutants will include monitoring for TCE and bis(2-ethylhexyl) phthalate. Regional Water Board staff wish to remind the City of the importance of continuing to take steps to ensure that proper sampling techniques are employed for bis(2-ethylhexyl) phthalate and all pollutants to avoid the possibility of false negative analytical results.

Fact Sheet section IV.C.3.b, *Reasonable Potential Determination* (fifth paragraph) has been revised to read as follows: "Order No. R1-2011-0019 established effluent limitations for bis(2-ethylhexyl) phthalate and tetrachloroethylene based on the numeric water quality criteria from the Ocean Plan. As shown in the table below, the RPA conducted for the Facility was inconclusive (Endpoint 3) for bis (2-ethylhexyl) phthalate and tetrachloroethylene. For RPA results of Endpoint 3, Appendix VI of the Ocean Plan specifies that existing effluent limitations for the pollutant shall remain in the permit, unless the permit includes monitoring for the pollutant or whole effluent toxicity testing, consistent with the monitoring frequency specified in Appendix III of the Ocean Plan and a reopener clause to allow for subsequent modification of the permit to include an effluent limitation if the monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above a Table 1 water quality objective. ~~Therefore, this Order retains the e~~Effluent limitations for bis(2-ethylhexyl) phthalate and tetrachloroethylene ~~from Order No. R1-2011-0019~~have been removed from this Order because it includes annual monitoring for Table 1 pollutants and chronic toxicity and a reopener clause to allow for subsequent modification of the permit to include effluent limitations for any pollutant(s) that exhibit reasonable potential. Removal of the effluent limitations for TCE and bis(2-ethylhexyl) phthalate is consistent with the requirements of the Ocean Plan.

Fact Sheet section IV.C.4, *WQBEL Calculations*, has been revised to remove TCE and bis(2-ethylhexyl) phthalate from the first paragraph, as follows: "Based on results of the RPA,

performed in accordance with methods of the Ocean Plan for discharges to the Pacific Ocean, the Regional Water Board is establishing WQBELs for copper, nickel, chlorine residual, ~~bis(2-ethylhexyl) phthalate,~~ dieldrin, and TCDD equivalents, ~~and tetrachloroethylene~~ at Discharge Point No. 001." and to remove TCE and bis(2-ethylhexyl) phthalate calculations from the last paragraph.

Fact Sheet section IV.C.4, Table F-7, *Water Quality Objectives – Ocean Plan* has been revised to remove TCE and bis(2-ethylhexyl) phthalate.

Fact Sheet section IV.D.1, *Final Effluent Limitation Considerations, Anti-Backsliding Requirements* has been revised as follows:

The last sentence of the first paragraph has been revised to read, "All effluent limitations in this Order are at least as stringent as the effluent limitations in Order No. R1-2011-0019, except for ~~ammonia,~~ bis(2-ethylhexyl) phthalate, tetrachloroethylene, and zinc, and mass-based effluent limitations for oil and grease, copper, TCDD equivalents, ~~bis(2-ethylhexyl) phthalate, tetrachloroethylene,~~ and chlorine residual."

The first sentence of the third paragraph has been revised to read, "Order No. R1-2011-0019 established final mass-based effluent limitations for oil and grease, ammonia, copper, TCDD equivalents, ~~bis(2-ethylhexyl) phthalate, tetrachloroethylene~~ and chlorine residual."

A new fifth paragraph has been added that reads, "Order No. R1-2011-0019 established final concentration- and mass-based effluent limitations for bis(2-ethylhexyl) phthalate and tetrachloroethylene. As shown in Table F-5 of this Fact Sheet, effluent data demonstrate that the reasonable potential analysis is inconclusive for these two pollutants. As discussed in section IV.C.3.b of this Fact Sheet, the Ocean Plan allows for removal of effluent limitations for an inconclusive RPA, provided the permit includes a reopener clause and monitoring for the pollutant or whole effluent toxicity. Since this Order includes a reopener clause and monitoring for the pollutants and whole effluent toxicity at the annual frequency required by the Ocean Plan, concentration- and mass-based effluent limitations for discharges of treated wastewater have been removed because the Regional Water Board staff misinterpreted the requirements of the Ocean Plan. Therefore, the Order does not retain the effluent limitations for bis(2-ethylhexyl) phthalate and tetrachloroethylene.

Fact Sheet section VII.B.1, *Rationale for Monitoring and Reporting Requirements, Effluent Monitoring* has been revised as follows:

"**a.** Effluent monitoring requirements for flow, settleable solids, oil and grease, turbidity, pH, ammonia, copper, total chlorine residual, ~~bis(2-ethylhexyl) phthalate,~~ and TCDD equivalents, ~~and tetrachloroethylene~~ have been retained from Order No. R1-2011-0019.

"**e**. Monitoring data collected during the term of Order No. R1-2011-0019 indicates that the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the Ocean Plan water quality objectives for zinc. In addition, the RPA was inconclusive for bis(2-ethylhexyl) and tetrachloroethylene and the Ocean Plan does not require continued pollutant specific monitoring in this case because this Order includes a reopener clause and monitoring for whole effluent toxicity. Therefore, this Order discontinues monthly effluent monitoring requirements for zinc, bis(2-ethylhexyl) and tetrachloroethylene from Order No. R1-2011-0019.

Comment 2: *Section IV, 1b, page 6. The Draft Permit changes the final effluent BOD_5 percent removal efficiency from 75% to 85% and no longer allows use of the BOD_5 removed by the Rumiano pretreatment process to be utilized for determining compliance with the permit removal standard. The City requests that language consistent with Order No. R1-2011-0019, allowing the Rumiano BOD_5 removal to be utilized for determining compliance with the BOD_5 percent removal requirement be put back into the permit.*

Response 2: The Proposed Permit Fact Sheet provides a detailed explanation for changing the BOD_5 percent removal requirement from 75% to 85% based on a determination by Regional Water Board staff that the City's influent does not meet the requirements of the federal regulations at 40 C.F.R. section 133.103(d) for less concentrated influent wastewater because the less concentrated influent wastewater is the result of excessive infiltration and inflow. In addition, during the term of the previous permit, the City was able to meet the 85% removal requirement for BOD_5.

Regional Water Board staff has reviewed the City's request to retain language from Order No. R1-2011-0019 to account for Rumiano BOD_5 removal when determining compliance with the BOD_5 percent removal requirement. Regional Water Board staff recognizes that the Rumiano Cheese Company pretreatment system removes a significant amount of BOD_5, resulting in a large volume of influent wastewater to the City's wastewater treatment plant with a low organic loading, resulting in a dilution effect on the influent. Therefore, Regional Water Board staff finds that it is appropriate to retain the language from Order No. R1-2011-0019 and allow the City to use the Rumiano BOD_5 mass removed as a credit or allowance when determining compliance with the Permittee's BOD_5 percent removal requirement.

The Proposed Permit includes the following changes in response to this comment:

MRP Table E-3, *Influent Monitoring* has been revised to include the following table note, "3. For purposes of determining percent removal of BOD_5, the Permittee may sum the BOD_5 mass computed from samples collected at INF-001 and the BOD_5 mass removed by the Rumiano Cheese Company pretreatment process during the same interval. The Permittee must provide and certify pretreatment data considered in percent removal determinations."

Fact Sheet section VII.A, *Rationale for Monitoring and Reporting Requirements, Influent Monitoring* has been revised to include the justification for this allowance, as follows: "2.

The MRP authorizes the Permittee to take credit for BOD_5 mass removed by Rumiano by allowing the Permittee to sum the BOD_5 mass computed from samples collected at INF-001 and BOD_5 mass removed by the Rumiano pretreatment process during the same interval for determining compliance with the percent removal requirement for BOD_5. The Permittee must provide and certify pretreatment data from the Rumiano pretreatment system with all monthly reports for which Rumiano BOD_5 removal is to be considered in percent removal determinations. This allowance is made in recognition of the fact that the Rumiano Cheese Company pretreatment system removes a significant amount of BOD_5, resulting in a large volume of influent wastewater to the Permittee's Facility with a low organic loading, resulting in a dilution effect on the influent."

Comment 3: *Attachment E, page E-3. In the draft Order, Table E-2, reference is made to Monitoring Locations INT-001A, INT-001B, INT-002, and REC-001. The City requests that language be added to clarify that these monitoring locations are only applicable in the event recycled water is being produced and distributed.*

Response 3: The Proposed Permit has been revised to provide clarification by including a note at the bottom of Table E-2 that reads, "Monitoring Locations INT-001A, INT-001B, and REC-001 are applicable if the Permittee produces and distributes recycled water."

Comment 4: *In the Draft Permit, Table E-4, Ocean Plan sampling schedule is established as an annual requirement. The City believes this is too frequent and costly. The City requests the Regional Board consider reducing the frequency to once during the permit term.*

Response 4: Appendix 3 of the Ocean Plan contains Standard Monitoring Procedures for implementing the Ocean Plan. Section 5 of Appendix 3 identifies requirements for chemical constituents monitoring that specifies "For discharges less than 10 MGD, the monitoring frequency shall be at least one complete scan of the Table 1 substances annually." In addition, since the Permittee has requirements to implement a pretreatment program pursuant to 40 C.F.R. part 403, annual monitoring for priority pollutants is required to satisfy U.S. EPA pretreatment requirements.

As Regional Water Board staff considered the City's request for a reduction in monitoring requirements, Regional Water Board staff determined that the Ocean Plan does allow for consideration of reducing the frequency of whole effluent toxicity monitoring. Ocean Plan Appendix 3, Section 7 identifies requirements for aquatic life toxicity monitoring that specifies, "For discharges less than 0.1 MGD, the monitoring frequency for acute and/or chronic toxicity shall be twice per permit cycle. For discharges between 0.1 and 10 MGD, the monitoring frequency for acute and/or chronic toxicity of the effluent should be at least annually. For discharges greater than 10 MGD, the monitoring frequency for acute and/or chronic toxicity of the effluent should be at least semiannually." An analysis of the Permittee's semiannual chronic toxicity data for the last five years using the Test of Significant Toxicity analytical approach demonstrated that the Permittee's discharge does not exhibit chronic toxicity. In addition, the Permittee's average dry-weather design flow is

1.86 MGD, which is at the low end of the flow ranges for requiring a minimum of annual monitoring.

In light of these two facts, the monitoring frequency for chronic toxicity in Table E-4 of the MRP has been reduced from semiannual to annual.

Comment 5: *In the Draft Permit, Table E-6, Table Notes, Item 3 lists detection methods specific to the membrane filter procedure under EPA publication EPA 600/4-85/076. The City requests the Regional Board to clarify language inserted approving alternative methods approved in advance by U.S. EPA pursuant to 40 CFR Part 136.*

Response 5: The requirements in MRP Table E-6, *Receiving Water Monitoring – Monitoring Location RSW-001*, implement requirements from the Ocean Plan. Table Note 3 in Table E-6 of the Draft Permit states that other improved methods may be used if determined by the Regional Water Board to be appropriate. Regional Water Board staff reviewed Title 40 of the Code of Regulations, Part 136 which specifies test procedures that have been approved by the U.S. EPA for specific parameters. For enterococcus bacteria, Part 136 specifies several approved methods in addition to the membrane filter procedure.

Table E-6, Table Note 3 of the Proposed Permit has been revised to read, "~~Detection~~ Test methods used for enterococcus shall be those presented in EPA publication EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure*, or any improved method determined by the Regional Water Board to be appropriate. The Regional Water Board finds that the methods presented in Table 1A of 40 C.F.R. Part 136 are appropriate methods to use for the analysis of enterococcus bacteria."

Comment 6: *The Draft Permit requires an Effluent Discharge Evaluation including both a Work Plan and Study to evaluate the effluent discharge mixing. Attachment F, Section VI.B.1.e also identified a condition to reopen the permit in the event the study determines a minimum initial dilution below 29:1.*

The City is concerned about both the cost of these studies and the implication of any change to the accepted dilution factor, including potential costly modifications to the outfall which the community cannot afford to pay for. Crescent City is an economically disadvantaged community and we are currently faced with a financial structural deficit within the sewer utility. A few vocal members of the community have expressed strong opposition to any changes in sewer rates. Currently, local Measure Q will be voted on in November that could potentially reject new consumption based rates recently approved under the 218 rate process. As such, the City requests that the Regional Board remove this Effluent Discharge Evaluation requirement and consider the 29:1 dilution as acceptable.

Response 6: During the development of the Draft Permit, Regional Water Board staff identified inconsistencies in the file record and a lack of documentation regarding previous permit decisions regarding the dilution ratio that the Permittee's outfall achieves. Prior to 2006, Orders for the Facility allowed for an initial dilution of 50:1 based on a 1982 dye

study. In previous Order No. R1-2006-0001, the Regional Water Board described a re-evaluation of the mixing zone and initial dilution that included a modeling of mixing resulting from wave action within the rocky slot to which the Facility discharges using median dominant wave period measured by the National Oceanic and Atmospheric Administration (NOAA). Based on the results of this modeling, Order Nos. R1-2006-0001 and R1-2011-0019 utilized a revised initial dilution of 29:1. Since Order No. R1-2006-0001 did not identify the source of the technical analysis, and other potentially conflicting information was found in the file, Regional Water Board staff included the requirement for the Permittee to conduct an effluent discharge evaluation.

During the public comment period, City staff provided Regional Water Board staff with a copy of the document that was used to justify the 29:1 dilution ratio beginning with Waste Discharge Requirements Order No. R1-2006-0001. The document is a March 26, 2004, Brown and Caldwell Technical Memorandum, Subject: Slot Dilution Model. This Technical Memorandum describes a flushing model developed by Brown and Caldwell to estimate dilution in the rocky slot where the City's ocean outfall discharges and the results of the model and dilution ratio calculations under various assumptions. Regional Water Board staff reviewed the Technical Memorandum and confirmed that the model results are still applicable based on maximum flows analyzed.

The Proposed Permit has been revised as follows in response to this comment:

The Effluent Discharge Evaluation requirement has been removed from Provision VI.C.2.a, *Special Provisions, Special Studies, Technical Reports and Additional Monitoring Requirements* and section VI.B.2.a of the Fact Sheet.

Fact Sheet Section IV.C, *Rationale for Effluent Limitations and Discharge Specifications*, has been revised to include a new subsection 2.c to describe the basis for the dilution ratio used in the Proposed Permit for the reasonable potential analysis and, where necessary, to calculate effluent limitations for pollutants with reasonable potential. The new language reads:

"**2.c. Minimum Initial Dilution**

In accordance with the Ocean Plan, WQBELs reflect the minimum initial dilution of the effluent as it reaches the receiving water. The minimum initial dilution can be estimated by experimental observation (e.g., dye studies, etc.) and/or computer simulation. The Ocean Plan requires that dilution estimates be based on the assumption of no currents; unless an alternative method of calculating dilution is found to be acceptable to the Regional Water Board. For the purpose of this and previous Orders, minimum initial dilution was determined with a dye study in 1982 and a mixing model in 2004 to conservatively estimate dilution in the rocky slot where the Permittee's ocean outfall discharges.

The dilution evaluation is described in a March 26, 2004, Brown and Caldwell Technical Memorandum with the subject line "Slot Dilution Model". This Technical Memorandum describes a flushing model developed by Brown and Caldwell to evaluate and determine dilution in the rocky slot by modeling mixing that results from wave action within the rocky slot. The model also considered median wind velocities to estimate a re-entrainment factor for previously mixed effluent that could wash back into the slot.

Water within the slot was assumed to be completely mixed by the action of breaking waves. The Technical Memorandum also summarizes the results of the model and dilution ratio calculations and provides calibration against the results of the 1982 dye study to verify the adequacy of the model. The results of this evaluation were used to reduce the dilution ratio from 50:1 (the dilution ratio granted in Orders prior to 2006) to 29:1. The 29:1 dilution ratio is conservatively based on a maximum daily flow of 9.9 mgd, the Permittee's projected 2027 maximum daily design flow. Between May 2011, and September 2016, the Permittee's maximum daily flow was 6.2 mgd, calculated as an average over a 24-hour period. The maximum daily flow is not expected to increase above 9.9 mgd by 2027 based on population estimates. The Regional Water Board finds that the 29:1 dilution ratio is valid for use in this Order because the Permittee's discharge is well under the flows used for estimating the dilution ratio.

This Order uses a minimum initial dilution of 29:1 (i.e., 29 parts ocean water to 1 part effluent) for its reasonable potential analysis and effluent limitation calculations.

Comment 7: *In section V.A.4 (Whole Effluent Toxicity Testing Requirements) of the Monitoring and Reporting Program (MRP) it states, "Artificial sea salts shall be used to increase sample salinity." The City requests that this language is changed to state, "artificial sea salts or hyper-saline brine may be used to increase sample salinity."*

Response 7: Regional Water Board staff reviewed the U.S. EPA technical document that the Permittee is required to follow for conducting chronic toxicity tests and verified that the requested language is consistent with that document; therefore, section V.B.4 of the Proposed Permit has been revised to read, "Artificial sea salts or hypersaline brine prepared from natural seawater shall be used to increase sample salinity."

Comment 8: *In section V.A.4.c of the MRP, it states, "or a static non-renewal toxicity test with the red abalone, Haliotis refescens (Larval Shell Development Test Method)." The City requests that this requirement be replaced with "or a static non-renewal toxicity test with the mussel, Mytilus spp (Embryo-Larval Development Test Method)."*

Response 8: The California Ocean Plan-approved test methods for chronic toxicity testing includes the mussel, *Mytillus spp*; therefore, Regional Water Board staff find that it is appropriate to add this species to section V.A.4.b of the Proposed Permit, as follows: "A static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, and the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0), or a static non-renewal toxicity test with the ~~red abalone, Haliotis rufescens~~mussel, *Mytilus spp* (Embryo-Larval Development Test Method)."

Comment 9: *Section V.A.6.e of the MRP states, "Chlorine and ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the MRP and the rationale is explained in the Fact Sheet (Attachment F)." However, Section 8 of the U.S. EPA chronic marine test manual makes it clear that residual chlorine should not be present in the effluent being used for testing. The City requests a revision to the*

permit language to allow for either: (1) Collection of the effluent sample prior to chlorination, or (2) dechlorination of the effluent to non-toxic levels prior to use in testing.

Response 9: Regional Water Board staff has reviewed section 8 of the U.S. EPA chronic toxicity manual and agree that the manual requires that chlorine be eliminated from chronic toxicity samples prior to analysis. In response to this comment, Regional Water Board staff has revised MRP section V.A.6.e of the Proposed Permit to read, "The Permittee shall perform toxicity tests on final effluent samples collected at Monitoring Location EFF-001 (after chlorination and dechlorination). ~~Chlorine and~~ ~~a~~Ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the MRP and the rationale is explained in the Fact Sheet (Attachment F). If any chlorine is detected in the sample upon arrival at the analytical laboratory, the effluent sample may be further dechlorinated with anhydrous sodium thiosulfate to non-toxic levels in accordance with section 8.8.7 of the test method identified in section V.A.4, above. The removal of chlorine by the analytical laboratory shall be clearly documented in the chronic toxicity report submitted to the Regional Water Board."

Comment 10: *In section V.A.9.a.(i.)(6) – (8) of the MRP, it calls for reporting of the NOEC, EC, and IC point estimates. However, these can only be generated when using a series of effluent dilutions. If testing is performed ONLY at the in-stream waste concentration (IWC), then a practical NOEC, or EC, or IC point estimate cannot be generated. The City requests the language be clarified so that provisions 6, 7, and 8 are only applicable when performing accelerated monitoring which requires effluent dilutions.*

Response 10: MRP Section V.A.9.a.(i.) of the Proposed Permit has been revised to provide clarity on this language, as follows: "Items (6) through (8) do not apply to routine testing which is performed at the in-stream waste concentration only, but do apply when performing accelerated monitoring which requires effluent dilutions."

Comment 11: *Section IX.A of the MRP (page E-13), Other Monitoring Requirements, specifies an annual outfall inspection to document the condition of the outfall. The City requests the inspection frequency be reduced to bi-annually (once every two years). As a result of safety concerns and the fact that the outfall pipe is rarely visible, the City further requests the language be modified to limit the inspection scope to the observable portion of the outfall only.*

Response 11: The City must develop and implement an operations and maintenance plan that ensures that the integrity and capacity of the outfall are properly maintained. The pipeline that leads to the outfall is all underground except for the portion of the outfall pipe that discharges into the rocky slot adjacent to Battery Point. Previous Order No. R1-2011-0019, required an outfall inspection once per permit term in recognition of the fact that the structure is buried and submerged and difficult to observe. Regional Water Board staff concurs with the City's request to establish the outfall inspection requirement as a once-per-permit-term requirement. However, Regional Water Board staff disagrees to limit the scope of the inspection to the visible portion of the outfall. The language has also been

modified to require a work plan in advance of the inspection, and the Fact Sheet clarifies that the outfall inspection should utilize appropriate methods to allow for a proper evaluation of the entire outfall.

MRP section IX.A, *Other Monitoring Requirements, Outfall Inspection*, has been revised in response to this comment as follows:

"**A. Outfall Evaluation/Inspection**.

1. The Permittee shall ~~visually inspect~~ conduct a comprehensive evaluation/inspection of the outfall once during the term of the permit ~~the outfall structure annually, by **November 1**~~, to verify the operational status and integrity of the outfall. ~~and document the inspection with photographs showing the condition of the outfall structure~~. By April 1, 2018, the Permittee shall submit to the Regional Water Board Executive Officer for approval, an Outfall Inspection/Evaluation Work Plan identifying the evaluation and inspection plan, methodology, and time line for conducting the outfall inspection. A report documenting the results of the outfall inspection and evaluation shall be submitted no later than April 1, 2020. The report shall include a description of the outfall condition, including any observed cracks, breaks, leaks, or other malfunctions and identify ~~and~~ any needed maintenance and repairs. ~~including any observed cracks, breaks, malfunctions, and appropriate repairs, shall be submitted with the annual report due by **March 1** each year.~~

MRP section X.D, Table E-9, *Reporting Requirements for Special Provision Reports* has been modified to add the additional reporting requirements specified in the paragraph above.

Fact Sheet section VII.G.3, *Other Monitoring Requirements, Outfall Evaluation/Inspection* has been revised to read: "**Outfall Evaluation/Inspection. (MRP section X.A).** Consistent with Order No. R1-2011-0019, this Order requires the Permittee to inspect and evaluate the outfall ~~location~~to determine the structural integrity and operational status of the outfall pipeline and structure ~~annually~~once during the term of the permit. This requirement is necessary to demonstrate proper operation and maintenance of the POTW as required by 40 C.F.R. section 122.4, and to ensure that the calculated minimum probable initial dilution is not compromised as a result of unanticipated structural or operational changes in the outfall structure. The Permittee must submit an outfall evaluation/inspection work plan for Executive Officer approval in advance of conducting the evaluation/inspection. The work plan must identify methodologies for conducting the inspection which may include visual, camera, dye study, and/or other available methodologies."

Comment 12: *Sections IX.C and IX.D of the MRP (page E-13), Other Monitoring Requirements include requirements that apply to water recycling. The City requests language be added to the Permit to clarify that these provisions only apply when producing and distributing recycled water.*

Response 12: MRP sections IX.C and IX.D both include statements that clarify that the specified filtration process and disinfection process monitoring apply to discharges to the

recycled water system. These sections have been revised to include additional language to clarify that the requirements apply after the recycled water system is completed, as follows.

MRP section IX.C, *Filtration Process Monitoring*, has been revised to read, "If the Permittee produces and distributes recycled water, ~~F~~filtration process monitoring shall demonstrate compliance with section ~~IV.D.1~~ IV.C.3 (Filtration Process Requirements) of the Order and applies to discharges to the recycled water system. The Permittee is required to implement the following filtration process monitoring: …" and Fact Sheet section VII.G.5 has been modified to include the following statement at the end of the paragraph: "These requirements are applicable if the Permittee produces and distributes recycled water."

MRP section IX.E (formerly section IX.D), *Ultraviolet Light Disinfection Process Monitoring,* has been revised to read, "If the Permittee produces and distributes recycled water, ~~D~~disinfection process monitoring shall demonstrate compliance with section ~~IV.D.2~~ IV.C.4 (Disinfection Process Requirements) of the Order and applies to discharges to the recycled water system. The Permittee is required to implement the following disinfection process monitoring:…"

Comment 13: *Section IX.F of the MRP (page E-15), Other Monitoring Requirements includes requirements that apply to septage. The City requests language be added to the Permit to clarify that these provisions only apply when and if the facility is receiving septage waste.*

Response 13: The following language has been added to section IX.G (formerly IX.F), *Septage Station Monitoring*, of the MRP to provide the clarity requested by the City, "Upon Regional Water Board approval of a septage management program, the following requirements apply when the Facility is receiving septage."

Regional Water Board Staff Initiated Changes

The following modifications were made to the Draft Permit by Regional Water Board staff after the public comment period closed. Regional Water Board staff discussed these modifications with the Permittee. The Permittee agreed to these changes.

1. Effluent limitations for ammonia at Monitoring Location EFF-001 have been added back to the Proposed Permit. Although the Facility met the Ocean Plan criteria during the term of Order No. R1-2011-0019, Regional Water Board staff has determined that ammonia effluent limitations should be established because of the nature of the City's treatment process. The Facility consists of two different treatment systems that operate in parallel. The membrane bioreactor treatment train efficiently removes most of the ammonia, while the rotating biological contactors treatment train does not. The percentage of the wastewater flow that splits through these two treatment systems varies depending on the volume and characteristics of the wastewater entering the Facility at any given time. Based on a recent site visit and recent discussions with the

Permittee, Regional Water Board staff learned that the Permittee favors maximizing use of the RBCs because they are more energy efficient than the MBR system. Regional Water Board staff believes that ammonia effluent limitations are necessary to ensure that the Permittee splits the flow through the two treatment trains to ensure that ammonia is not discharged at concentrations that exceed effluent limitations in section IV.a.1, Table 4 of the Order. Regional Water Board staff used best professional judgment to determine that ammonia effluent limitations are needed to ensure that the Facility is always operated for effective ammonia removal.

The following changes have been made to the Proposed Permit in relation to the decision to retain the ammonia effluent limitations that were established in Order No. R1-2011-0019:

Table 4, *Effluent Limitations* has been revised as follows:

Parameter	Units	Effluent Limitations[1]					
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	6-Month Median
<u>Ammonia Nitrogen, Total (as N)</u>	<u>mg/L</u>	<u>--</u>	<u>--</u>	<u>72</u>	<u>--</u>	<u>180</u>	<u>18</u>

Table E-4, *Effluent Monitoring* and Table E-5, *Recycled Water Monitoring* have been revised to require that ammonia samples be collected as 24-hour composite samples rather than grab samples in order to obtain samples that are representative of effluent ammonia over the period of a day rather than an instantaneous grab sample.

Fact Sheet section IV.B.2.b, *Ocean Plan Table 2 Effluent Limitations* has been changed as follows:

> The first and second paragraphs have been revised to include ammonia in the listing of Ocean Plan Table 2 pollutants for which the Draft Permit establishes effluent limitations, and reads as follows: "**Ocean Plan Table 2 Effluent Limitations (<u>Ammonia,</u> Oil and Grease, TSS, Settleable Solids, Turbidity, and pH).** The State Water Board, in Table 2 of the Ocean Plan, has established technology-based requirements for <u>ammonia,</u> oil and grease, TSS, settleable solids, turbidity, and pH. Table 2 effluent limitations apply to POTWs, …" and "Consistent with Order No. R1-2011-0019, this Order includes effluent limitations for <u>ammonia,</u> oil and grease, turbidity, and pH based on Table 2 of the Ocean Plan.", respectively.

Fact Sheet section IV.C.3.b, *Water Quality-Based Effluent Limitations, Determining the Need for WQBELs, Reasonable Potential Determination* of the Proposed Permit has been changed as follows:

> The sixth paragraph has been revised to read: "Order No. R1-2011-0019 established effluent limitations for ~~chlorine residual~~<u>ammonia</u>. As shown in ~~the t~~<u>T</u>able F-5, below, the RPA conducted for the Facility demonstrated no reasonable potential

(Endpoint 2) for discharges to cause or contribute to exceedances of applicable water quality criteria for ~~chlorine residual~~ammonia. However, as discussed further in section ~~IV.C.3.c.i~~IV.C.3.d.i of this Fact Sheet, effluent limitations for ~~chlorine residual~~ammonia are retained in this Order."

Table F-5, *Summary of Reasonable Potential Analysis Results*, Table Note 4 has been revised to note the basis for ammonia effluent limitations, as follows: "4. Effluent limitations for ~~chlorine residual~~ammonia are necessary per Step 13 of Appendix VI of the Ocean Plan that provides for a best professional judgment analysis of reasonable potential. See section ~~IV.C.3.c.i~~IV.C.3.d.i below for further discussion of the RPA results for ~~chlorine residual~~ammonia."

A new Fact Sheet section IV.C.3.d.i, *Water Quality-Based Effluent Limitations, Determining the Need for Water Quality-Based Effluent Limitations, Table 1 Water Quality Objectives*, has been added to discuss the basis for ammonia effluent limitations that reads as follows: "**Ammonia.** Effluent limitations for ammonia at Discharge Point 001 are retained from Order No. R1-2011-0019. The Ocean Plan includes ammonia objectives for ocean waters for protection of marine aquatic life. Table 1 of the Ocean Plan includes 6-month median, daily maximum, and instantaneous maximum effluent limitations of 600 µg/L, 2400 µg/L, and 6000 µg/L, respectively, for ammonia. Based on effluent monitoring data, the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the water quality objectives in the Ocean Plan. However, the Permittee's Facility receives influent containing high concentrations of ammonia. The Facility consists of two different treatment systems that operate in parallel. The membrane bioreactor treatment train efficiently removes most of the ammonia, while the rotating biological contactors treatment train does not. The percentage of the wastewater flow that splits through these two treatment systems varies depending on the volume and character of the wastewater entering the Facility at any given time. Based on a recent site visit and recent discussions with the Permittee, Regional Water Board staff learned that the Permittee favors maximizing use of the RBCs because they are more energy efficient than the MBR system. Regional Water Board staff believes that ammonia effluent limitations are necessary to ensure that the Permittee splits the flow through the two treatment trains to ensure that ammonia is not discharged at concentrations that exceed effluent limitations in section IV.a.1, Table 4 of the Order. Based on this information, the Regional Water Board finds that effluent limitations for ammonia are necessary based on best professional judgment (BPJ) in accordance with Step 13 of Appendix VI of the Ocean Plan."

Fact Sheet section IV.C.4, *WQBEL Calculations* has been revised to state that the Order establishes a WQBEL for ammonia (first paragraph), to include the Ocean Plan water quality objectives for ammonia in Table F-7, and to include the calculation of the ammonia effluent limitation (immediately below Table F-7).

Fact Sheet section IV.D.1, *Final Effluent Limitation Considerations, Anti-Backsliding Requirements*, has been revised to remove ammonia from the list of pollutants with less stringent effluent limitations (first and second paragraphs) and to provide justification for the removal of mass limits for ammonia (third paragraph).

Fact Sheet section VII.B.1.a, *Rationale for Monitoring and Reporting Requirements, Effluent Monitoring* has been revised to identify the requirement for 24-hour composite sampling for ammonia.

2. A new requirement for the Permittee to demonstrate that the chlorine disinfection system is being operated with sufficient chlorine residual to ensure compliance with the fecal coliform effluent limitation specified in section IV.A.1.c of the Order. This will be a standard requirement in all permits for municipal wastewater treatment facilities with chlorine disinfection.

   A new section IV.D.1 **Other Requirements** has been added to the Order that reads: "**Total Residual Chlorine, Monitoring Location INT-002A.** As measured at the end of the chlorine contact tank at Monitoring Location INT-002A, the total residual chlorine concentration shall be maintained at a concentration that ensures the discharge meets the fecal coliform effluent limitation at the end of the disinfection process for discharges to Discharge Point 001."

   MRP section II. Monitoring Locations has been revised to add a new internal process monitoring location INT-002A, and to make minor modifications to the Monitoring Location Descriptions for INT-001A, INT-001B, and INT-002B to Table E-2 , as follows:

Table E-2. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	INT-001A	Internal monitoring ~~l~~location for monitoring the surface loading rate through the membrane bioreactor (MBR) system.
--	INT-001B	Internal monitoring location for monitoring the turbidity of ~~T~~treated effluent immediately following the MBR system for monitoring turbidity.
--	INT-002A	Internal Monitoring location for purpose of demonstrating the presence of a chlorine residual at the end of the chlorine contact tank.
--	INT-002B	Internal monitoring ~~l~~location for monitoring ultraviolet light (UV) radiation dose and UV transmittance of the UV disinfection system.

The MRP has been modified to include a new section IX.D that reads as follows:

D. Chlorine Disinfection Process Monitoring (Monitoring Location INT-002A)

1. The Permittee shall monitor the discharge from the chlorine contact chamber prior to dechlorinating at Monitoring Location INT-001A as follows:

Table E-1. Internal Effluent Monitoring – Monitoring Location INT-002A

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method[1]
Chlorine, Total Residual[2]	mg/L	Meter	Continuous	Standard Methods

Table Notes:

1. In accordance with the current edition of *Standard Methods for Examination of Water and Wastewater* (American Public Health Administration) or current test procedures specified in 40 C.F.R. part 136.
2. The Permittee shall monitor continuously to demonstrate that the appropriate chlorine residual concentration is maintained in the effluent at INT-002A at all times. At a minimum, the Permittee shall record readings of the continuous monitoring every hour on the hour and report the maximum recorded daily chlorine residual. The Permittee shall calibrate chlorine residual analyzers against grab samples as frequently as necessary to maintain accurate and reliable operation.

This addition resulted in the need to renumber the remainder of MRP section IX.D to make ultraviolet light disinfection process requirements section IX.E, Sludge Monitoring Requirements section IX.F, and Septage Station Monitoring Requirements section IX.G. Because this change involved inserting a new table into the MRP, three tables that follow this new table have been re-numbered. The Septage Monitoring requirements table is now Table E-8, the Monitoring Periods and Reporting Schedule table is now Table E-9, and the Reporting Requirements for Special Provisions Reports is now Table E-10.

The Fact Sheet has been modified to include a new section IV.G.2 to provide the justification for adding the internal process chlorine residual requirement, as follows:

"**Disinfection Process Requirements for the Chlorine Disinfection System.** Internal monitoring at the end of the chlorine contact tank is required to measure chlorine residual in lieu of daily coliform monitoring to assure adequate disinfection on a daily basis. Section IV.D.1 of the Order and section IX.D of the MRP require the Permittee monitor and report chlorine residual on a continuous basis at Monitoring Location INT-002A as a means to demonstrate that an appropriate chlorine residual concentration is maintained in the effluent at Monitoring Location INT-002A at all times."

The Fact Sheet has also been modified to include a new section VII.G.6 to provide the justification for adding the new internal process chlorine residual monitoring requirement, as follows:

"Disinfection Process Monitoring for the Chlorine Disinfection System (Monitoring Location INT-002A). Chlorine disinfection system monitoring requirements at Monitoring Location INT-002A are included to assess compliance with the requirements specified in section IV.D.1 of the Order."

3. Regional Water Board staff determined that the Fact Sheet discussion regarding the reasonable potential analysis (RPA) for chlorine residual contained errors. The Fact Sheet in the Draft Permit incorrectly stated that there was no reasonable potential for chlorine residual, when in fact, the RPA shows reasonable potential. The following corrections were made in the Proposed Permit:

Fact Sheet section IV.C.3.b, *Water Quality-Based Effluent Limitations, Determining the Need for WQBELs, Reasonable Potential Determination* has been revised to recognize that the RPA found reasonable potential for chlorine residual (fourth and sixth paragraphs) as follows:

> "The RPA conducted for the Facility demonstrated reasonable potential (Endpoint 1) for discharges from the Facility to cause or contribute to exceedances of applicable water quality criteria for chlorine residual, copper, nickel, dieldrin, TCDD equivalents, and chronic toxicity."
>
> "Order No. R1-2011-0019 established effluent limitations for ~~chlorine residual~~ammonia. As shown in the ~~t~~Table F-5, below, the RPA conducted for the Facility demonstrated no reasonable potential (Endpoint 2) for discharges to cause or contribute to exceedances of applicable water quality criteria for ~~chlorine residual~~ ammonia. However, as discussed further in section ~~IV.C.3.c.i~~ IV.C.3.d.i of this Fact Sheet, effluent limitations for ~~chlorine residual~~ ammonia are retained in this Order."
>
> Table F-5, Summary of Reasonable Potential Analysis Results has been revised to remove the Table Note that stated that effluent limitations were based on a best professional judgment (BPJ) analysis. (Note: Table Note 4 was changed to reflect that reasonable potential for ammonia was based on a BPJ analysis.)

Fact Sheet section IV.C.3.c, *Water Quality-Based Effluent Limitations, Non-Table 1 Water Quality Objectives* has been revised to delete the BPJ RPA discussion for chlorine residual (formerly section IV.C.3.c.i).

4. Compliance determination language that describes how mass-based effluent limitations are to be calculated was inadvertently left out of the Draft Permit. The Proposed Permit has been revised to include the following language.

   Section VII.H has been added to the Compliance Determination section of the Proposed Permit to read:

   "**H. Mass-Based Effluent Limitations**

   1. Average Monthly. Compliance with the monthly mass-based average limitation shall be determined using the following formula:

   lbs/day = 8.34 * Ce * Q, where

   Ce = average of effluent concentrations collected during the calendar month (mg/L)

   Q = average flow rate averaged over the same calendar month (mgd)

   2. Average Weekly. Compliance with the monthly mass-based average limitation shall be determined using the following formula:

   lbs/day = 8.34 * Ce * Q, where

Ce = average of effluent concentrations collected during the calendar week (mg/L)
Q = average flow rate averaged over the same calendar week (mgd)"

Table 4, Effluent Limitations, Table Note 2 has been revised to read, "Mass-based effluent limitations are based on the average dry weather design flow of 1.86 mgd. See section VII.H of this Order regarding calculation of mass (lbs/day) results."

5. Section IV.A.1.c.i of the Order has been revised to include a footnote that is needed to identify the location of compliance determination for the monthly median fecal coliform bacteria requirement, as follows: "[1] See section VII.I of this Order regarding compliance with the monthly median requirement."

6. Special Provision VI.C.2, *Special Provisions, Special Studies, Technical Reports and Additional Monitoring Requirements*, has been revised to include a requirement for the Permittee to submit a plan to establish continuous monitoring to demonstrate that the discharge at Monitoring Location EFF-001 has been properly dechlorinated to meet chlorine residual effluent limitations specified in Section IV.A.1.a of the Order. Regional Water Board staff identified the need for this requirement in light of chlorine residual violations that occurred in September 2015 which occurred in daily grab samples. Continuous monitoring will ensure that effluent is properly dechlorinated at all times. The following language has been added as Special Provision VI.C.2.a., "**Chlorine Residual Monitoring.** By **June 1, 2017, t**he Permittee shall submit for Regional Water Board Executive Officer approval, a plan for providing continuous monitoring to demonstrate that chlorinated secondary effluent discharged at Monitoring Location EFF-001 is adequately dechlorinated prior to discharge to meet effluent limitations in section IV.A.1.a of this Order. The plan shall identify the method for demonstrating proper removal of chlorine on a continuous basis, alarms that will be installed, and a time schedule for implementing the plan that is as short as practicable."

   Two sections of the Proposed Order have been revised to define compliance with the new continuous chlorine residual monitoring requirement as follows:

   Order Section IV.A.1.a, Table 4 has been revised to include Table Note 4, to read: "See section VII.M of this Order regarding compliance with chlorine residual effluent limitations."

   and

   Order Section VII.M, Compliance Determination has been revised to add the following new language: "Compliance with the chlorine residual effluent limitations shall be based on continuous residual monitoring at Monitoring Location EFF-001. The Permittee shall report from discrete readings of the continuous monitoring every hour on the hour. Compliance shall be based on an average of these discrete hourly readings on a daily basis. The Permittee shall retain continuous monitoring readings for at least three years. The Regional Water Board retains the right to use all continuous monitoring data for discretionary enforcement."

MRP section IV.A.1, Table E-4, *Effluent Monitoring* has been revised to require continuous monitoring in accordance with the newly added Special Provision VI.C.2.a. The table row for Total Residual Chlorine has been revised to include Sample Type "Grab/Meter" and Minimum Sampling Frequency "Daily[4]/Continuous", and Table Note 7 has been revised to read, "Prior to installation of a continuous analyzer ~~For purposes of determining compliance,~~a minimum of daily grab samples shall be taken at ~~the end of the chlorine contact system~~Monitoring Location EFF-001 for purposes of demonstrating compliance. In accordance with Special Provision VI.C.2.a, the Permittee shall monitor continuously to demonstrate that the discharge has been adequately dechlorinated to achieve chlorine residual effluent limitations specified in section IV.A.1.a, Table 4, at all times. The Permittee shall report from discrete readings of the continuous monitoring every hour on the hour and report the average of the hourly readings on a daily basis in accordance with Compliance Determination section VII.M of this Order. The Permittee shall calibrate chlorine residual analyzers against grab samples as frequently as necessary to maintain accurate and reliable operations.

MRP section X.D, Table E-9, *Reporting Requirements for Special Provision Reports* has been modified to add the additional reporting requirement for submittal of a Chlorine Residual Monitoring Plan.

Fact Sheet section VI.B.2.a has been revised to include language justifying the new permit requirement for a chlorine residual monitoring plan, as follows: "**Chlorine Residual Monitoring Plan (Special Provision VI.C.2.a).** This Order requires the Permittee to implement continuous monitoring after dechlorination to demonstrate that the discharge at Monitoring Location EFF-001 has been adequately dechlorinated and to provide alarms to ensure that chlorine is not discharged at concentrations that exceed effluent limitations in section IV.A.1.a of this Order."

Fact Sheet section VII.B.1., *Rationale for Monitoring and Reporting Requirements, Effluent Monitoring* has been revised to include a new subsection d. with the following language: "During the term of this Order, the effluent monitoring and sample type for chlorine residual will change from a daily grab sample to continuous monitoring with a meter. Continuous monitoring to demonstrate that the discharge at Monitoring Location EFF-001 meets the chlorine residual effluent limitations in section IV.A.1, Table 4 of the Order is necessary due to the toxicity of chlorine to aquatic life. In addition, Regional Water Board staff has identified the need for the Permittee to improve its management of the chlorination process in light of high concentrations of chlorine identified in effluent samples collected in September 2015. Section VI.C.2.a of this Order requires the Permittee to submit a plan and time schedule for establishing continuous monitoring at EFF-001, in order to demonstrate that effluent limitations established in section IV.A.1.a, Table 4 of this Order are achieved."

7. Special Provision VI.C.2.d, *Special Provisions, Special Studies, Technical Reports and Additional Monitoring Requirements,* has been revised to include a requirement for the Permittee to submit a financial plan by July 1, 2017 to identify financing that will ensure

adequate funding to operate and maintain the wastewater treatment facility and comply with all permit requirements. This requirement is being added to the Proposed Permit because of concerns regarding the City's current financial health and its ability to meet permit requirements on an on-going basis. The following language has been added as Special Provision VI.C.2.d., "**Financial Plan.** By **January 1, 2018**, the City shall identify financing that will ensure adequate funding to operate and maintain its Facility and comply with all requirements in this Order. The City shall submit a 10-year Financial Plan by **April 1, 2018**, justifying the appropriateness and adequacy of the methods chosen to ensure adequate funding to properly operate and maintain the Facility and meet Order requirements. The Financial Plan shall identify and evaluate (1) the costs of operating and maintaining the Facility and (2) the current and projected financial resources available to implement any needed repairs and upgrades over the next 10 years."

MRP section X.D, *Other Reports*, Table E-9, *Reporting Requirements for Special Provisions Reports*, has been revised to include the two reporting dates included in Special Provision VI.C.2.d.

Fact Sheet section VI.B.2.d has been revised to include language justifying this permit requirement, as follows: "**Financial Plan (Special Provision VI.C.2.d).** This Order requires the Permittee to identify financing and implement a financial plan that will ensure the availability of adequate funding to operate and maintain its Facility. Regional Water Board Staff proposes to add this requirement because of concerns regarding the City's current financial health and its ability to meet permit requirements.

Regional Water Board staff concerns about the City's ability to operate and maintain the Facility in compliance with the NPDES permit requirements stem from: (1) ratepayers voting against raising sewer rates with the rejection of Measure Q in the November 8, 2016 election and (2) the City's recent financial challenges which impacted its ability to repay a state loan. In 2010, the City completed Facility upgrades using state revolving fund (SRF) loan funds (totaling $43.8 million) from the State Water Board. The upgrades included construction of a membrane bioreactor, an ultraviolet disinfection system, and a new laboratory building. From 2011 to 2013, the City began to use reserves to make timely loan repayments. In 2014, with reserves running out, the City worked with State Water Board staff to restructure the terms of the loan to reduce the interest rate from 2.4 percent to zero percent with structured payments. While the renegotiated SRF loan agreement provided the City with some financial relief, the City must still identify additional funding mechanism(s) to implement needed on-going repairs and upgrades and ensure full compliance with permit conditions.

Compliance with permit terms will ensure adequate protection of water quality and beneficial uses. The City's outfall discharges disinfected secondary effluent to a location adjacent to Battery Point, an area that is accessible to the public and supports many beneficial uses, including, but not limited to, contact and non-contact water recreation, marine habitat, migration and spawning of aquatic organisms, commercial and sport fishing, shellfish harvesting, and wildlife habitat."

8. Minor modifications have been made to MRP section I.E, *Minimum Levels (ML) and Reporting Levels (RL)* to provide clarity that all monitoring analyses must be conducted using detection limits below the applicable effluent limitations, or where detection limits are not that low, with the available method with the lowest detection limit. The Proposed Permit has been revised as follows: "**Minimum Levels (ML) and Reporting Levels (RL).** Compliance and reasonable potential monitoring analyses shall be conducted using detection limits that are lower than the applicable effluent limitations and/or water quality objectives in Table 1 of the Ocean Plan. If no Minimum Level (ML) value is below these levels, then the method used to analyze samples for compliance with permit requirements must achieve ~~the lowest~~an ML ~~shall be selected as the Reporting Level (RL)~~no greater than the lowest ML valued indicated in Table E-1 as the Reporting Level (RL). ~~lists the test methods the Permittee may use for compliance and reasonable potential monitoring to analyze Ocean Plan Table 1 pollutants with effluent limitations or specific monitoring requirements. Appendix II of the Ocean Plan lists the test methods the Permittee may use for reasonable potential monitoring to analyze Ocean Plan Table 1 pollutants.~~

In addition, Table E-1 has been modified as follows:

Table E-1. ~~Monitoring Station Locations~~Test Methods and Minimum Levels for Priority Pollutants

Constituent	Types of Analytical Methods MLs (µg/L)[1]						
	Flame Atomic Absorption	Graphite Furnace Atomic Absorption	Inductively Coupled Plasma	Inductively Coupled Plasma / Mass Spectrometry	Stabilized Platform Graphite Furnace Atomic Absorption	Gas Chromatography	Gas Chromatography/ Mass Spectrometry
Copper, Total Recoverable	20	5	10	0.5	2	--	--
Nickel, Total Recoverable	50	5	10	1	5	--	--
Dieldrin	--	--	--	--	--	0.01	--
TCDD Equivalents[2]	--	--	--	--	--	--	--

Table Notes:
1. Minimum levels for Ocean Plan Table 1 pollutants are from Tables II-1, II-2, II-3 and II-4 of the California Ocean Plan. The MLs represent the lowest concentration of a pollutant that can be quantitatively measured in a sample given the current state of performance in analytical chemistry methods in California. These MLs were derived from data provided by state-certified analytical laboratories in 1997 and 1998.
2. The Permittee shall use U.S. EPA Method 1613.

9. Other minor edits were made to Order sections IV.A.1.a, Table 4 (Table Note 5) and VI.B.4.b; MRP sections II.A (Table E-3 heading), IX.C and IX.E (corrections to references to other permit sections), and X.D.1 Table E-10 (to include DMR-QA Study reporting requirement); and Fact Sheet sections IV.G.1 and IV.G.3 (reference corrections and additions), VI.B.4.b (reference addition), and VII.G.10 (minor clarification language).

rpa