

North Coast Regional Water Quality Control Board

**DRAFT**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION**

**ORDER NO. R1-2014-0013  
NPDES NO. CA0023671  
WDID NO. 1B80081OHUM**

**WASTE DISCHARGE REQUIREMENTS  
FOR THE LOLETA COMMUNITY SERVICES DISTRICT  
WASTEWATER TREATMENT FACILITY**

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

**Table 1. Permittee Information**

Permittee	<b>Loleta Community Services District</b>
Name of Facility	<b>Loleta Wastewater Treatment Facility</b>
Facility Address	<b>298 Eel River Drive</b>
	<b>Loleta, California 95551</b>
	<b>Humboldt County</b>
Type of Facility	<b>Publicly Owned Treatment Works</b>
Facility Design Flow	<b>0.081 million gallons per day (MGD) (Average Dry Weather Flow) 0.143 MGD (Average Wet Weather Flow)</b>

**Table 2. Discharge Location**

Discharge Point	Effluent Description	Discharge Point Latitude (North)	Discharge Point Longitude (West)	Receiving Water
<b>001</b>	<b>secondary treated municipal wastewater</b>	<b>40.639722<sup>o</sup></b>	<b>-124.226944<sup>o</sup></b>	<b>Wetland Tributary to the Eel River</b>

**Table 3. Administrative Information**

This Order was adopted on:	<b>May 8, 2014</b>
This Order shall become effective on:	<b>June 1, 2014</b>
This Order shall expire on:	<b>May 31, 2019</b>
The Permittee shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	<b>December 10, 2018</b>
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, North Coast Region have classified this discharge as follows:	<b>Minor</b>

THEREFORE, IT IS HEREBY ORDERED that this Order supersedes Order No. R1-2008-0001 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 Clean Water Act and regulations and guidelines adopted thereunder, the Permittee shall comply with the requirements in this Order. This action in no way prevents the California Regional Water Quality Control Board, North Coast Region from taking enforcement action for past violations of the previous Order. If any part of this Order is subject to a temporary stay of enforcement, unless otherwise specified, the Permittee shall comply with the analogous portions of the previous Order, which shall remain in effect for all purposes during the pendency of the stay.

I, Matthias St. John, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 8, 2014.

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 Matthias St. John, Executive Officer

14\_0013\_Loleta\_NPDES\_2014

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## I. FACILITY INFORMATION

Information describing the Loleta Wastewater Treatment Facility (Facility) is summarized in Table 1 and in sections I and II of the Fact Sheet (Attachment F). Section I of the Fact Sheet also includes information regarding the Facility's permit application.

## II. FINDINGS

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), finds:

- A. Legal Authorities. This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code** (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters.
- B. 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 the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E and G are also incorporated into this Order.
- C. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsection V.A. 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.
- D. Notification of Interested Parties.** The Regional Water Board Name has notified the Permittee and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.
- E. Consideration of Public Comment.** The Regional Water Board Name, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

## III. DISCHARGE PROHIBITIONS

- A.** The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.
- B.** Creation of pollution, contamination, or nuisance, as defined by section 13050 of the Water Code, is prohibited.
- C.** The discharge of sludge or digester supernatant is prohibited, except as authorized under section VI.C.5.c. of this Order (Solids Disposal and Handling Requirements).
- D.** The discharge or reclamation use of untreated or partially treated waste (receiving a lower level of treatment than described in section II.A of the Fact Sheet) from anywhere within the collection, treatment, or disposal systems is prohibited, except as provided for in section IV.C.2 (Reclamation Specifications) and in Attachment D, Standard Provisions G (Bypass) and H (Upset).
- E.** Any sanitary sewer overflow (SSO) that results in a discharge of untreated or partially treated wastewater to (a) waters of the State or (b) land that creates a pollution, contamination, or nuisance as defined in Water Code section 13050(m) is prohibited.

- F. The average daily dry weather flow of waste through the treatment plant shall not exceed 0.081 MGD, measured daily and averaged over a calendar month. The average wet weather flow of waste through the treatment plant shall not exceed 0.143 MGD, measured daily and averaged over a calendar month.
- G. Discharges of waste to the Eel River and its tributaries including wetlands, are prohibited during the period May 15 through September 30 each year.
- H. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving water. During the period of October 1 through May 14, of each year, discharges of wastewater to the wetland, tributary to an unnamed slough and the Eel River, shall not exceed one percent of the flow into the wetland, as measured at the storm water conveyance pipe prior to mixing with effluent from the WWTF. In no case shall the total volume of treated wastewater discharged in a calendar month exceed one percent of the total volume of storm water measured in the same calendar month.
- I. The discharge of waste to land that is not owned by the Permittee, governed by District ordinance, under agreement to use by the Permittee, or for which the Permittee has explicitly permitted such use, is prohibited, except for use for fire suppression as provided in title 22, sections 60307(a) and 60307(b) of the California Code of Regulations (CCR).
- J. The discharge of waste at any point not described in Finding II.B of the Fact Sheet or authorized by permit issued by the State Water Board or another Regional Water Board Order is prohibited.
- K. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited under Water Code section 13375.

**IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

**A. Effluent Limitations – Discharge Point 001**

**1. Final Effluent Limitations – Discharge Point 001**

- a. The Permittee shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program, Attachment E:

**Table 4. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly <sup>2</sup>	Average Weekly <sup>2</sup>	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD <sub>5</sub> <sup>1</sup>	mg/L	30	45	---	---	---
	lbs/day	36 <sup>3</sup>	543 <sup>3</sup>	---	---	---
Total Suspended Solids	mg/L	30	45	---	---	---
	lbs/day	36 <sup>3</sup>	54 <sup>3</sup>	---	---	---
pH	standard units	---	---	---	6.5	8.5
Settleable Solids	ml/L	0.1	---	0.2	---	---
Total Coliform Bacteria	MPN/100 mL	23 <sup>4</sup>	---	230 <sup>5</sup>	---	---
Total Residual Chlorine	mg/L	---	---	---	---	< 0.1
Copper	µg/L	24.43	---	49.01	---	---
Carbon tetrachloride	µg/L	0.25	---	0.50	---	---
Chlorodibromomethane	µg/L	0.40	---	0.80	---	---
Dichlorobromomethane	µg/L	0.56	---	1.12	---	---

Parameter	Units	Effluent Limitations				
		Average Monthly <sup>2</sup>	Average Weekly <sup>2</sup>	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrate	mg/L	10.00	---	20.10	---	---

Table Notes:

1. BOD<sub>5</sub> (Biochemical Oxygen Demand 5-day @ 20°C).
2. See Definitions in Attachment A and Compliance Determination discussion in section X of this Order.
3. Mass-based effluent limitations apply during periods of allowable discharge to surface waters. Mass-based effluent limitations are based on the Facility wet weather design flow of 0.143 MGD.
4. The monthly total coliform bacteria limitation is expressed as the 30-day median - the median of all effluent samples collected in a 30-day calendar period.
5. No sample shall exceed an MPN (most probable number) of 230 total coliform bacteria per 100 mL.

**b. Percent Removal:** The average monthly percent removal of BOD<sub>5</sub> and total suspended solids shall not be less than 85 percent. Percent removal shall be determined from the 30-day average value of influent wastewater concentration in comparison to the 30-day average value of effluent concentration for the same constituent over the same time period.

**c. Acute Toxicity:** As measured at Monitoring Location M-001, there shall be no acute toxicity in the effluent when discharging to the wetland, which is tributary to a slough and the Eel River. The Permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay, using undiluted effluent, complies with the following:

(1) Minimum for any one bioassay: 70 percent survival, and

(2) Median for any three or more consecutive bioassays: at least 90 percent survival.

Compliance with this effluent limitation shall be determined in accordance with Section V. A of the MRP (Attachment E).

**V. OTHER DISCHARGE SPECIFICATIONS**

**A.** Total residual chlorine: As measured at INF-001, the total residual chlorine concentration shall be maintained at a minimum level of 1.5 mg/L at the end of the disinfection process.

**VI. LAND DISCHARGE SPECIFICATIONS**

This Permit does not authorize discharges to land.

**VII. RECYCLING SPECIFICATIONS**

This Permit does not authorize use or application of recycled water.

**VIII. 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 to be addressed as part of this Order. However, a receiving water condition not in conformance with the limitation is not necessarily a violation of this Order. Compliance with receiving water limitations shall be measured at monitoring locations described in the MRP

(Attachment E). The Regional Water Board may require an investigation to determine cause and culpability prior to asserting a violation has occurred.

1. The discharge shall not cause the dissolved oxygen concentration of the receiving water to be depressed below 7.0 mg/L. Additionally, the discharge shall not cause the dissolved oxygen content of the receiving water to fall below 10.0 mg/L more than 50 percent of the time, or below 7.5 mg/L more than 10 percent of the time in a calendar year. In the event that the receiving waters are determined to have a dissolved oxygen concentration of less than 7.0 mg/L, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The waste discharge shall not cause the total dissolved solids concentration of the receiving waters to increase above 140 mg/l more than 50 percent of the time, or above 275 mg/l more than 10 percent of the time.
3. The discharge shall not cause the pH of receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that which occurs naturally.
4. The discharge shall not cause the turbidity of receiving waters to be increased more than 20 percent above naturally occurring background levels.
5. The discharge shall not cause receiving waters to contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
6. The discharge shall not cause receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
7. The discharge shall not cause receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
8. The discharge shall not cause coloration of receiving waters that causes nuisance or adversely affects beneficial uses.
9. The discharge shall not cause bottom deposits in receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
10. The discharge shall not cause receiving waters to contain concentrations of biostimulatory substances that promote objectionable aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
11. The discharge shall not cause receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in humans, plants, animals, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods, as specified by the Regional Water Board.
12. The discharge shall not cause a measurable temperature change in the receiving water at any time.
13. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. The discharge shall not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant

concentrations in bottom sediments or aquatic life to levels that are harmful to human health.

14. The discharge shall not cause receiving waters to contain concentrations of pesticides in excess of the limiting concentrations set forth in Table 3-2 of the Basin Plan or in excess of more stringent Maximum Contaminant Levels (MCLs) established for these pollutants in title 22, division 4, chapter 15, articles 4 and 5.5 of the CCR.
15. The discharge shall not cause receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise affect beneficial uses.
16. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board, as required by the federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Clean Water Act, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.
17. The discharge shall not cause concentrations of chemical constituents to occur in excess of limits specified in Table 3-2 of the Basin Plan or in excess of more stringent MCLs established for these pollutants in title 22, division 4, chapter 15, articles 4 and 5.5 of the CCR.
18. The discharge shall not cause receiving waters to contain radionuclides in concentrations which are deleterious to human, plant, animal or aquatic life, nor which result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal or indigenous aquatic life.

#### **B. Groundwater Limitations**

1. The collection, treatment, storage, and disposal of wastewater shall not cause a statistically significant degradation of groundwater quality unless a technical evaluation is performed that demonstrates that any degradation that could reasonably be expected to occur, after implementation of all regulatory requirements (e.g., title 27) and reasonable best management practices (BMPs), will not violate groundwater quality objectives or cause impacts to beneficial uses of groundwater.
2. The collection, treatment, storage, and disposal of treated wastewater shall not cause alterations of groundwater that result in chemical concentrations in groundwater in excess of limits specified in title 22, division 4, chapter 15, article 4, sections 64431 (Tables 2 and 3) and 64444, and the Basin Plan.
3. The collection, treatment, storage and disposal of the treated wastewater shall not cause levels of radionuclides in groundwater in excess of the limits specified in title 22, division 4, chapter 15, article 5, section 64443 of the CCR.
4. The collection, treatment, storage, and disposal of wastewater or recycled water shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

### **IX. PROVISIONS**

#### **A. Standard Provisions**

1. **Federal Standard Provisions.** The Permittee shall comply with all Standard Provisions included in Attachment D.

- 2. Regional Water Board Standard Provisions.** The Permittee shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:
- a.** Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this Facility, may subject the Permittee to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Permittee to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
  - b.** In the event the Permittee does not comply or will be unable to comply for any reason, with any prohibition, interim or final effluent limitation, land discharge specification, reclamation specification, other specification, or receiving water limitation or provision of this Order that may result in a significant threat to human health or the environment, such as inundation of treatment components, breach of pond containment, recycled water main break or equivalent release, irrigation runoff, etc., that results in a discharge to a drainage channel or a surface water, the Permittee shall notify Regional Water Board staff within 24 hours of having knowledge of such noncompliance. Spill notification and reporting shall be conducted in accordance with section V.E. of Attachment D and X.E. of the Monitoring and Reporting Program.

**B. Monitoring and Reporting Program (MRP) Requirements**

The Permittee shall comply with the MRP, and future revisions thereto, in Attachment E.

**C. Special Provisions**

**1. Reopener Provisions**

- a. Standard Revisions.** If applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, the Regional Water Board may reopen this Order and make modifications in accordance with such revised standards.
- b. Reasonable Potential.** This Order may be reopened for modification to include an effluent limitation, if monitoring establishes that the discharge causes, or has the reasonable potential to cause or contribute to, an excursion above a water quality criterion or objective applicable to the receiving water.
- c. 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 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 effluent limitation based on that objective.
- d. 303(d)-Listed Pollutants.** The Regional Water Board plans to develop and adopt total maximum daily loads (TMDLs) for nitrogen, phosphorus, dissolved oxygen, sediment, and temperature that will specify wasteload allocations (WLAs) for point sources and load allocations (LA) for non-point sources, as appropriate. Following the adoption of these TMDLs by the Regional Water Board, this Order will be reopened and modified to include final WQBELs based on applicable WLAs.
- e. Water Effects Ratios (WERs) and Metal Translators.** A default WER of 1.0 has been used in this Order for calculating CTR criteria for applicable priority pollutant inorganic

constituents, with the exception of copper, for which a site-specific WER of 3.42 has been used, as further described in section IV.C.3.b of the Fact Sheet. In addition, default dissolved-to-total metal translators have been used to convert water quality objectives from dissolved to total recoverable when developing effluent limitations for copper. If the Permittee performs studies on additional parameters other than copper to determine site-specific WERs and/or site-specific dissolved-to-total metal translators and submits a report that demonstrates that WER or translator studies were performed in accordance with U.S. EPA or other approved guidance, this Order may be reopened to modify the effluent limitations for the applicable constituents.

## 2. Special Studies, Technical Reports and Additional Monitoring Requirements

### a. Toxicity Reduction Requirements

- i. **Whole Effluent Toxicity.** For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Permittee to conduct acute and chronic whole effluent toxicity (WET) testing, as specified in MRP section V. Furthermore, this Provision requires the Permittee to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. If the discharge exceeds the numeric toxicity monitoring trigger during accelerated monitoring established in this Provision, the Permittee 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 recurrence 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 Permittee to develop and submit a TRE Work Plan and includes procedures for accelerated chronic toxicity monitoring and TRE initiation.
- ii. **TRE Work Plan.** Within 90 days of the effective date of this Order, the Permittee 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 U.S. EPA guidance and be of adequate detail to allow the Permittee to immediately initiate a TRE as required in this Provision.
- iii. **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 Permittee shall initiate accelerated monitoring as required in the Accelerated Monitoring Specifications. The Permittee shall initiate a TRE to address effluent toxicity if any WET testing results exceed the numeric toxicity monitoring trigger during accelerated monitoring.
- iv. **Numeric Toxicity Monitoring Trigger.** The numeric toxicity monitoring trigger to initiate a TRE is  $> 1 \text{ TUc}$  (where  $\text{TUc} = 100/\text{NOEC}$ ). The monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Permittee is required to begin accelerated monitoring and initiate a TRE.
- v. **Accelerated Monitoring Specifications.** If the numeric toxicity monitoring trigger is exceeded during regular chronic toxicity testing, the Permittee shall initiate accelerated monitoring within 14-days of notification by the laboratory of

the exceedance. Accelerated monitoring shall consist of four chronic toxicity tests conducted once 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 consecutive accelerated monitoring tests do not exceed the monitoring trigger, the Permittee 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 Permittee initiate a TRE.
- (b) If the source(s) of the toxicity is easily identified (e.g., temporary plant upset), the Permittee shall make necessary corrections to the Facility and shall continue accelerated monitoring until four consecutive accelerated tests do not exceed the monitoring trigger. Upon confirmation that the effluent toxicity has been removed, the Permittee may cease accelerated monitoring and resume regular chronic toxicity monitoring.
- (c) If the result of any accelerated toxicity test exceeds the monitoring trigger, the Permittee shall cease accelerated monitoring and begin 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 any test result exceeding the monitoring trigger during accelerated monitoring, the Permittee shall submit a TRE Action Plan to the Regional Water Board including, at minimum:
  - (1) Specific actions the Permittee will take to investigate and identify the cause(s) of toxicity, including a TRE WET monitoring schedule;
  - (2) Specific actions the Permittee will take to mitigate the impact of the discharge and prevent the recurrence of toxicity; and
  - (3) A schedule for these actions.

### **3. Best Management Practices and Pollution Prevention**

#### **a. Pollutant Minimization Program (PMP)**

- i. The Permittee shall, as required by the Executive Officer, develop and conduct a PMP as further described below when there is evidence (e.g., sample results reported as detected, but not quantified (DNQ) when the effluent limitation is less than the method detection limit (MDL), sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either:
  - (a) A sample result is reported as DNQ and the effluent limitation is less than the RL; or
  - (b) A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP section X.B.4.
- ii. The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

- (a) An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- (b) Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;
- (c) Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;
- (d) Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and
- (e) An annual status report that shall be submitted as part of the Annual Facility Report due July 1<sup>st</sup> to the Regional Water Board and shall include:
  - (1) All PMP monitoring results for the previous year;
  - (2) A list of potential sources of the reportable priority pollutant(s);
  - (3) A summary of all actions undertaken pursuant to the control strategy; and
  - (4) A description of actions to be taken in the following year.

**4. Construction, Operation and Maintenance Specifications**

- a. This Order (Attachment D, Standard Provision I.D) requires that the Permittee at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory quality control and appropriate quality assurance procedures.
- b. The Permittee shall maintain an updated Operation and Maintenance (O&M) Manual for the Facility. The Permittee shall update the O&M Manual, as necessary, to conform to changes in operation and maintenance of the Facility. The O&M Manual shall be readily available to operating personnel onsite and for review by state or federal inspectors. The O&M Manual shall include the following:
  - i. Description of the Facility's organizational structure showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc.). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment Facility so as to achieve the required level of treatment at all times.
  - ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.
  - iii. Description of laboratory and quality assurance procedures.
  - iv. Process and equipment inspection and maintenance schedules.
  - v. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Permittee will be able to comply with requirements of this Order.
  - vi. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and

storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

**5. Special Provisions for Municipal Facilities (POTWs Only)**

**a. Wastewater Collection Systems**

**i. Statewide General WDRs for Sanitary Sewer Systems.**

The Permittee has coverage under, and is separately subject to, the requirements of State Water Board Order No. 2006-003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. As such, the Permittee provides notification and reporting of SSOs in accordance with the requirements of Order No. 2006-003-DWQ and WQ 2008-0002-EXEC and any revisions thereto for the operation of its wastewater collection system.

**b. Source Control and Pretreatment Provisions.**

**i.** The Permittee shall perform source control functions and provide a summary of source control activities conducted in the Annual Facility Report (due July 1st to the Regional Water Board). Source control functions and requirements shall include the following:

**(a)** Implement the necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system and inspect facilities connected to the system.

**(b)** If waste haulers are allowed to discharge to the Facility, establish a waste hauler permit system, to be reviewed by the Executive Officer, to regulate waste haulers discharging to the collection system or Facility.

**(c) Industrial Waste Survey and Influent Priority Pollutant Monitoring**

**(i)** The Permittee shall conduct an industrial waste survey (IWS) of all the industrial users (IUs) in the service area of the Facility at least one time per permit term to determine whether any IUs are subject to pretreatment standards specified in 40 C.F.R. Part 403. At a minimum, the IWS must identify the following for each industrial user and zero-discharging categorical industrial user: whether it qualifies as a significant user; the average flow rate; the SIC code; any pretreatment being implemented by each industrial user; and whether or not the Permittee has issued a permit to any of the identified industrial users.

**(ii)** Perform a priority pollutant scan<sup>1</sup> of the influent to the Facility one time per permit term as specified in section III.A.1, Table E-2 of the MRP.

**(iii)** The IWS and priority pollutant monitoring shall be completed by February 1, 2015.

**(iv)** The results of the IWS and priority pollutant monitoring shall be submitted to the Regional Water Board in a written report no later than

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<sup>1</sup> The priority pollutant scan shall include CTR and title 22 pollutants. CTR pollutants are those pollutants identified in the California Toxics Rule at 40 C.F.R. section 131.38 and title 22 pollutants are those pollutants for which the California Department of Public Health has established Maximum Contaminant Levels (MCLs) at title 22, division 4, chapter 15, sections 64431 (Inorganic Chemicals) and 64444 (Organic Chemicals) of the California Code of Regulations. Duplicate analyses are not required for pollutants that are identified as CTR and title 22 pollutants.



demonstrated to be capable of being beneficially and legally used pursuant to federal and state regulations as a soil amendment for agriculture, silviculture, horticulture, and land reclamation activities.

- ii. All collected sludges and other solid waste removed from liquid wastes shall be removed from screens, sumps, ponds, and tanks as needed to ensure optimal plant operation and disposed of in accordance with applicable federal and State regulations.
- iii. The use and disposal of biosolids shall comply with all of the land application and disposal requirements in 40 C.F.R. Part 503, which are enforceable by the U.S. EPA, not the Regional Water Board. If during the life of this Order, the State accepts primacy for implementation of 40 C.F.R. Part 503, the Regional Water Board may also initiate enforcement where appropriate.
- iv. Sludge or biosolids that are disposed of in a municipal solid waste landfill or used as daily landfill cover shall meet the applicable requirements of 40 C.F.R. 258. In the annual self-monitoring report, the Permittee shall report the amount of sludge placed in a landfill and the landfill(s) which received the sludge or biosolids.
- v. The Permittee shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that may adversely affect human health or the environment.
- vi. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.
- vii. Solids and sludge treatment and storage sites shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from a design storm with a 100-year recurrence interval and 24-hour duration.
- viii. The discharge of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the State.

**d. Biosolids Management**

For any discharge of biosolids from the Facility, the Permittee shall comply with the following requirements:

- i. For the land application of biosolids as soil amendment within the North Coast Region, the Permittee shall obtain or maintain coverage under the State Water Board Water Quality Order No. 2004-0012-DWQ General Waste Discharge Requirements for the Discharge of Biosolids to Land or Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities, or
- ii. Alternatively, the Permittee may dispose of biosolids at another appropriately permitted facility.
- iii. New sludge treatment and storage facilities must comply with the requirements of the Water Code and title 27, CCR for the protection of water quality.

**e. Operator Certification**

Supervisors and operators of municipal wastewater treatment facilities shall possess a certificate of appropriate grade in accordance with title 23, CCR, section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment facility operator, the State Water Board may approve use of a water treatment facility operator of appropriate grade certified by CDPH where water reclamation is involved.

**f. Adequate Capacity**

This Order serves as notification that the Regional Water Board has determined that the Facility will reach capacity within four years. Pursuant to the California Code of Regulations, title 23, section 2232, the Permittee shall submit a technical report to the Regional Water Board within 120 days of the effective date of this Order showing how flow volumes will be prevented from exceeding the existing capacity of the Facility or how capacity of the Facility will be increased. The Executive Officer of the Regional Water Board is authorized to grant a time extension of 30 days for submittal of the technical report. The required technical report shall be reviewed, approved, and jointly submitted to the Regional Water Board by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities. Public participation shall be required during the preparation of the technical report. The report shall be accompanied by a statement outlining how interested persons were involved in the preparation of the technical report. The will consider adopting a Time Schedule Order pursuant to Water Code section 13300 or other enforcement order unless the Permittee can demonstrate that adequate steps are being taken to address the capacity problem.

**6. Other Special Provisions**

- a. Storm Water.** For the control of storm water discharge from the site of the wastewater treatment Facility, if required, the Permittee shall seek separate authorization to discharge under the requirements of the State Water Board's Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (or subsequent renewed versions of the NPDES General Permit CAS000001), which is not incorporated by reference in this Order.

**7. Compliance Schedules**

This Order does not establish interim effluent limitations or schedules of compliance for final numeric effluent limitations

**X. COMPLIANCE DETERMINATION**

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

**A. General**

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Permittee shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in

the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

**B. Multiple Sample Data**

When determining compliance with an average monthly effluent limitation for priority pollutants, and more than one sample result is available, the Permittee 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 Permittee shall compute the median in place of the arithmetic mean in accordance with the following procedure.

1. 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.
2. 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.

**C. Average Monthly Effluent Limitation (AMEL)**

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Permittee will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Permittee will be considered out of compliance for that calendar month. The Permittee will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

**D. Average Weekly Effluent Limitation (AWEL)**

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar week exceeds the AWEL for a given parameter, this will represent a single violation, though the Permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Permittee will be considered out of compliance for that calendar week. The Permittee will only be considered out of compliance for days when the discharge occurs. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

**E. Maximum Daily Effluent Limitation (MDEL)**

If a daily discharge (or when applicable, the median determined by subsection B, above, for multiple sample data of a daily discharge) exceeds the MDEL for a given parameter, the Permittee will be considered out of compliance for that parameter for that 1 day only within the reporting

period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**F. Instantaneous Minimum Effluent Limitation**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, the Permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

If the Permittee monitors pH continuously, pursuant to 40 C.F.R. section 401.17, the Permittee shall be in compliance with the pH limitation specified herein provided that both of the following conditions are satisfied: (1) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (2) no individual excursion from the range of pH values shall exceed 60 minutes.

**G. Instantaneous Maximum Effluent Limitation**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, the Permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

If the Permittee monitors pH continuously, pursuant to 40 C.F.R. section 401.17, the Permittee shall be in compliance with the pH limitation specified herein provided that both of the following conditions are satisfied: (1) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (2) no individual excursion from the range of pH values shall exceed 60 minutes.

**H. Bacteriological Limitations (Total Coliform)**

- 1. Median.** The median is the central tendency concentration of the pollutant. The data set shall be ranked from low to high, ranking the ND concentrations lowest, DNQ determinations next, followed by quantified values. The order of the individual ND and DNQ determinations is not important. The median value is determined based on the number of data points in the set. 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, the median is the average of the two middle values, unless one or both points are ND or DNQ, in which case the median value shall be the lower of the two middle data points. DNQ is lower than a detected value, and ND is lower than DNQ.
- 2.** Compliance with the 7-day median will be determined as a rolling median during periods when sampling occurs more frequently than weekly. During periods when sampling is weekly, this requirement shall apply to each weekly sample.

**I. Acute Toxicity Limitations.**

Compliance with the three-sample median acute toxicity effluent limitation shall be determined when there is a discharge, by calculating the median percent survival of the three most recent consecutive samples meeting all test acceptability criteria collected from Monitoring Location EFF-001.

**J. Chronic Toxicity Triggers**

1. When a single chronic toxicity test result is available in a monthly monitoring period, the need for accelerated monitoring will be determined by comparing the single result to the monthly median chronic toxicity trigger of 1.0 TUc.
2. If two or more chronic toxicity test results are available in a monthly monitoring period, the need for accelerated monitoring will be determined by calculating the median of the test results and comparing the calculated median to the monthly median chronic toxicity trigger of 1.0 TUc and the individual sample results will be compared to the single sample chronic toxicity trigger of 1.6 TUc. If the first monthly chronic toxicity result is greater than 1.6 TUc, a minimum of three chronic toxicity test results would be needed to determine the need for accelerated monitoring based on the monthly median chronic toxicity trigger of 1.0 TUc.

## ATTACHMENT A – DEFINITIONS

**Arithmetic Mean ( $\mu$ ):** 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:  $\Sigma x$  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.

**Bioaccumulative Pollutants:** 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:** substances that are known to cause cancer in living organisms.

**Coefficient of Variation (CV):** 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):** sample results less than the RL, but greater than or equal to the laboratory's MDL.

**Dilution Credit:** 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.

**Effective Concentration (EC):** a point estimate of the toxicant concentration that would cause an adverse effect on a quantal, "all or nothing," response (such as death, immobilization, or serious incapacitation) in a given percent of the test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Karber. EC25 is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.

**Effluent Concentration Allowance (ECA):** 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:** 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:** the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

**Estuaries:** waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars 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 included, 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.

**Inhibition Concentration (IC):** the IC25 is typically calculated as a percentage of effluent. It is the level at which the organisms exhibit 25 percent reduction in biological measurement such as reproduction or growth. It is calculated statistically and used in chronic toxicity testing.

**Inland Surface Waters:** all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

**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).

**Lowest Observed Effect Concentration (LOEC):** the lowest concentration of an effluent or toxicant that results in adverse effects on the test organism (i.e., where the values for the observed endpoints are statistically different from the control).

**Maximum Daily Effluent Limitation (MDEL):** 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:** 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):** 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):** 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:** 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.

**No Observed Effect Concentration (NOEC):** the highest tested concentration of an effluent or a test sample at which the effect is no different from the control effect, according to the statistical test used (see LOEC). The NOEC is usually the highest tested concentration of an effluent or toxicant that causes no observable effects on the aquatic test organisms (i.e., the highest concentration of toxicity at which the values for the observed responses do not statistically differ from the controls). It is determined using hypothesis testing.

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

**Persistent Pollutants:** substances for which degradation or decomposition in the environment is nonexistent or very slow.

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

**Publicly Owned Treatment Works (POTW):** a treatment works as defined in section 212 of the Clean Water Act (CWA), which is owned by a State or municipality as defined by section 502(4) of the CWA. [Section 502(4) of the CWA defines a municipality as a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Clean Water Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

**Reporting Level (RL):** the ML (and its associated analytical method) used for reporting and compliance determination. 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:** 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:** any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

**Standard Deviation ( $\sigma$ ):** a measure of variability that is calculated as follows:

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

where:

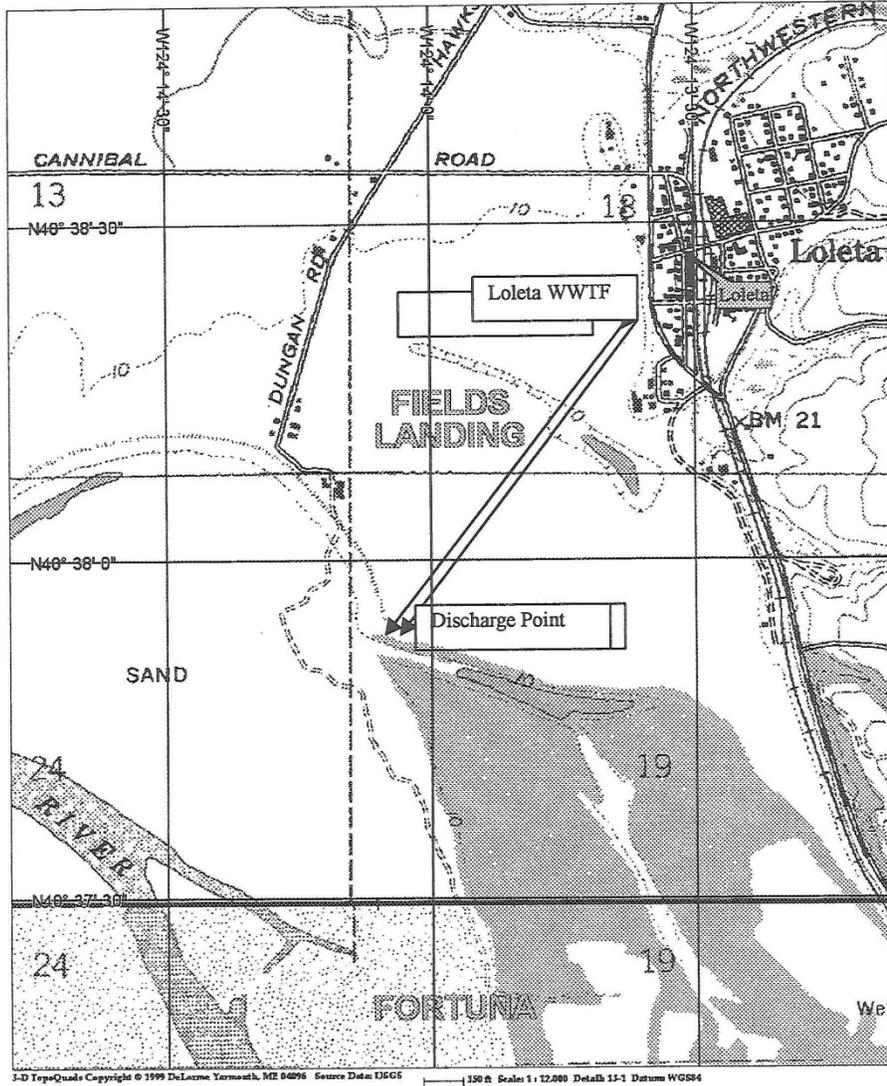
x is the observed value;

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

n is the number of samples.

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

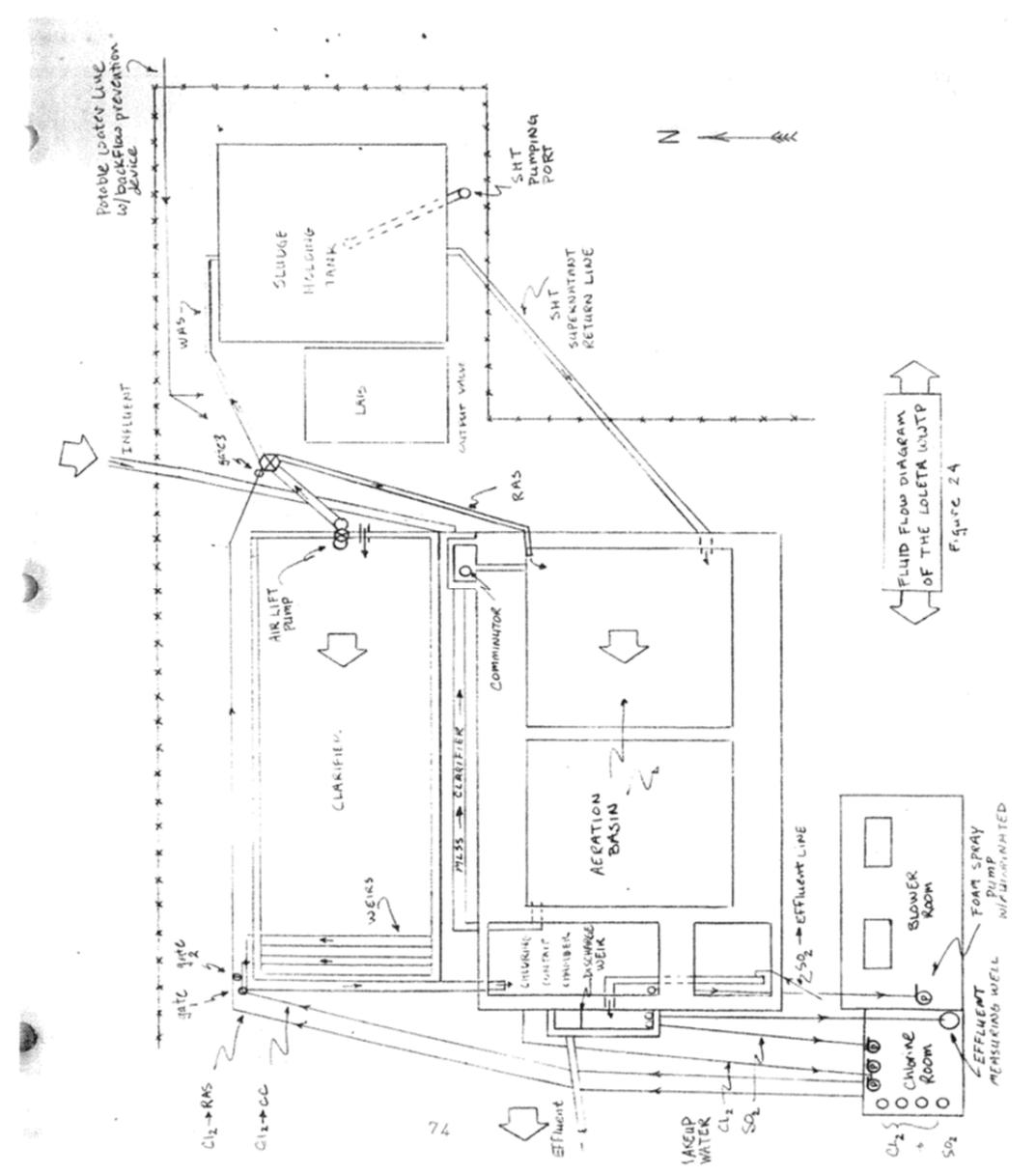
ATTACHMENT B - MAP



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION

(Scale: 1:12,000)

ATTACHMENT C - FLOW SCHEMATIC



## ATTACHMENT D – STANDARD PROVISIONS

### I. STANDARD PROVISIONS – PERMIT COMPLIANCE

#### A. Duty to Comply

1. The Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, 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 Permittee'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 Permittee may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)
3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)
2. Conditions necessary for a demonstration of upset. A Permittee 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 Permittee 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 Permittee 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 Permittee 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 Permittee seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

## II. STANDARD PROVISIONS – PERMIT ACTION

### A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee 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 Permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the Permittee 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 Permittee 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.)

## 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 40 C.F.R. part 136 or, in the case of sludge use or disposal, approved under 40 C.F.R. part 136 unless otherwise specified in 40 C.F.R. 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 Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 C.F.R. part 503), the Permittee 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 Permittee (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 Permittee shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Permittee shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

##### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, 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 U.S. EPA). (40 C.F.R. § 122.22(a)(3).)

3. All reports required by this Order and other information requested by the Regional Water Board Name, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
  - c. The written authorization is submitted to the Regional Water Board Name 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 Name 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. § 122.41(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 Name 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 Permittee monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. subchapters N or O, the results of such 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 Name. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

**D. Compliance Schedules**

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

**E. Twenty-Four Hour Reporting**

1. The Permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Permittee 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 Name 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 Permittee shall give notice to the Regional Water Board Name 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 subject neither to effluent limitations in this Order nor to notification requirements under section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1). (40 C.F.R. § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Permittee'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 Permittee shall give advance notice to the Regional Water Board Name or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

**H. Other Noncompliance**

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

**VI. STANDARD PROVISIONS – ENFORCEMENT**

The Regional Water Board Name 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 Name of the following (40 C.F.R. § 122.42(b)):

1. Any new introduction of pollutants into the POTW from an indirect Permittee 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
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).)

## ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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**ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)**

The Code of Federal Regulations (40 C.F.R. § 122.48) requires that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board Name to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement federal and California regulations.

**I. GENERAL MONITORING PROVISIONS**

- A. Wastewater Monitoring Provision.** Composite samples may be taken by a proportional sampling device approved by the Executive Officer or by grab samples composited in proportion to flow. In compositing grab samples, the sampling interval shall not exceed one hour.
- B. Supplemental Monitoring Provision.** If the Permittee monitors any pollutant more frequently than required by this Order, using test procedures approved by 40 C.F.R. Part 136 or as specified in this Order, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the monthly and annual discharge monitoring reports.
- C. Data Quality Assurance Provision.** Laboratories analyzing monitoring samples shall be certified by the California Department of Public Health (CDPH), in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports.
- D. Instrumentation and Calibration Provision.** All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly installed, calibrated, operated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device.
- E. Minimum Levels (ML) and Reporting Levels (RL) Provision.** Compliance and reasonable potential priority pollutant monitoring analyses shall be conducted using commercially available and reasonably achievable detection limits that are lower than the applicable effluent limitation and or water quality criteria. If no ML value is below these levels, the lowest ML shall be selected as the RL. Test methods and required MLs for priority pollutants assigned effluent limitations in accordance with Order No. R1-2014-0013 are included in Table E-1. Applicable MLs for all priority pollutants can be referenced in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP).

**II. MONITORING LOCATIONS**

The Permittee 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
---	INF-001	A representative point preceding primary treatment <b>Latitude: 40.639655° Longitude: -124.226940°</b>
---	INT-001	Treated wastewater from the chlorine contact chamber prior to dechlorination for purposes of measuring chlorine residual <b>Latitude: 40.639621° Longitude: -124.227119°</b>
001	EFF-001	A representative point following full treatment, including dechlorination, prior to contact with the receiving water <b>Latitude: 40.639680° Longitude: -124.227103°</b>

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
---	RSW-001U	Surface water in the conveyance pipe prior to comingling with effluent <b>Latitude: 40.640124° Longitude: -124.226770°</b>
---	RSW-002D	Wetland surface water at the confluence with the conveyance pipe or other location approved by the Executive Officer <b>Latitude: 40.629409° Longitude: -124.238656°</b>

Table Notes:  
 The North latitude and West longitude information in this table are approximate for administrative purposes.

**III. INFLUENT MONITORING REQUIREMENTS**

**A. Monitoring Location INF-001**

- The Permittee shall monitor influent to the facility at Monitoring Location INF-001 as follows:

**Table E-2 Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
BOD <sub>5</sub> <sup>1</sup>	mg/L	24-hour composite <sup>2</sup>	Weekly	Standard Methods <sup>3</sup>
Total Suspended Solids	mg/L	24-hour composite	Weekly	Standard Methods
CTR Priority Pollutants <sup>4</sup>	µg/L	24-hour composite	Annually <sup>5</sup>	40 CFR 136

Table Notes:  
 1. BOD<sub>5</sub> (Each Biochemical Oxygen Demand 5-day @ 20°C).  
 2. 24-hour composite samples shall be collected, except for those pollutants that are volatile and/or require grab sampling for other reasons (e.g., ultraclean sample collection methods required). The priority pollutant monitoring report shall document the sampling method used for each constituent and justify the use of grab sampling for specific constituents (e.g., volatile, ultraclean method required, etc.).  
 3. 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 CFR Part 136.  
 4. Those pollutants identified by the California Toxics Rule at 40 CFR 131.38.  
 5. Influent monitoring shall consist of a full priority pollutant scan one time per permit term, with annual samples analyzed only for those pollutants detected in the full scan. The Permittee is not required to sample and analyze for asbestos.

**IV. EFFLUENT MONITORING REQUIREMENTS**

**A. Monitoring Location EFF-001**

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

**Table E-3 Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and (Minimum Level, units), respectively
Flow	MGD	Continuous	Daily <sup>1</sup>	Meter
Discharge Rate	% of receiving water flow	Calculation	Daily	---
Total Residual Chlorine	mg/L	Grab	Daily	Standard Methods <sup>2</sup>
pH	pH units	Grab	Weekly	Standard Methods

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and (Minimum Level, units), respectively
BOD <sub>5</sub>	mg/L	24-hour composite	Weekly	Standard Methods
Total Suspended Solids	mg/L	24-hour composite	Weekly	Standard Methods
Settleable Solids	ml/L	24-hour composite	Weekly	Standard Methods
Total Coliform Bacteria	MPN/100 mL	Grab	Weekly	Standard Methods
Total Dissolved Solids	ml/L	24-hour composite	Monthly	Standard Methods
Copper	µg/L	24-hour composite	Monthly	ICPMS <sup>3</sup> (0.5 µg/L) or SPGFAA <sup>4</sup> (2.0 µg/L)
Carbon tetrachloride	µg/L	Grab	Monthly	GC <sup>5</sup> (0.5 µg/L)
Chlorodibromomethane	µg/L	Grab	Monthly	GC (0.5 µg/L)
Dichlorobromomethane	µg/L	Grab	Monthly	GC (0.5 µg/L)
Nitrate Nitrogen	mg/L	Grab	Monthly	Standard Methods
Ammonia Nitrogen	mg/L	Grab	Monthly <sup>6</sup>	Standard Methods
Temperature	°C	Grab	Monthly	Standard Methods
Acute Toxicity (two species)	% survival	Grab	Annually	See Section V.A
Chronic Toxicity (three species)	TUc	Grab	Annually	See Section V.B
Chronic Toxicity (Narrative)	Passed or Triggered <sup>7</sup>	Observation	Annually	---
CTR Priority Pollutants <sup>8</sup>	µg/L		Annually <sup>9</sup>	Standard Methods <sup>2,10</sup>
Hardness	mg/L	Grab	Annually <sup>9</sup>	Standard Methods

Table Notes:

1. Mean and peak daily and peak daily effluent flow rates.
2. 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 CFR Part 136.
3. Inductively Coupled Plasma/ Mass Spectroscopy.
4. Stabilized Platform Graphite Furnace Atomic Absorption.
5. Gas Chromatography.
6. Measurements must be taken to coincide with monthly receiving water sampling for temperature and pH.
7. The Permittee shall include reporting regarding compliance with the narrative toxicity objective in Receiving Water Limitation V.A.10 by reporting whether the chronic toxicity test “passed” or “triggered” in relation to the chronic toxicity trigger of 1.6 TUc (where TUc=100/NOEC) for each single sample or 1.0 TUc as a monthly median. For narrative chronic toxicity reporting, “Passed” shall be reported when chronic toxicity effluent results do not trigger accelerated testing (e.g., a single sample result of ≤1.6 TUc or a monthly median of ≤1.0 TUc). “Triggered” shall be reported when chronic toxicity effluent results trigger accelerated testing by exceeding the chronic toxicity trigger of 1.6 TUc for a single sample or 1.0 TUc as a monthly median.
8. Those pollutants identified by the California Toxics Rule at 40 CFR 131.38.
9. Monitoring shall consist of a full priority pollutant scan one time per permit term, with annual samples analyzed only for those pollutants detected in the full scan. The Permittee is not required to sample and analyze for asbestos. Hardness shall be monitored concurrently with the annual priority pollutant sample.
10. Analytical methods must achieve the lowest minimum level (ML) specified in Attachment 4 of the SIP; and in accordance with Section 2.4 of the SIP, the Permittee shall report the ML and MDL for each sample result.

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

### A. Acute Toxicity Testing

The Permittee shall conduct acute whole effluent toxicity testing (WET) to determine compliance with the effluent limitation for acute toxicity established by section IV.A.1 of the Order.

- 1. Test Frequency.** The Permittee shall conduct acute WET testing in accordance with the schedule established by this MRP while discharging at Discharge Point 002, as summarized in Table E-4, above.
- 2. Sample Type.** For 96-hour static renewal or 96-hour static non-renewal testing, the effluent samples shall be grab samples collected at Monitoring Location EFF-002.
- 3. Test Species.** Test species for acute WET testing shall be with an invertebrate, the water flea (*Ceriodaphnia dubia*) and a vertebrate, the rainbow trout (*Oncorhynchus mykiss*).
- 4. Test Methods.** The presence of acute toxicity shall be estimated as specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA-821-R-02-012, 5th edition or subsequent editions), or other methods approved by the Executive Officer.

Test procedures related to pH control, sample filtration, aeration, temperature control and sample dechlorination shall be performed in accordance with the U.S. EPA method and fully explained and justified in each acute toxicity report submitted to the Regional Water Board. The control of pH in acute toxicity tests is allowed, provided the test pH is maintained at the effluent pH measured at the time of sample collection, and the control of pH is done in a manner that has the least influence on the test water chemistry and on the toxicity of other pH sensitive materials such as some heavy metals, sulfide and cyanide.

- 5. Test Dilutions.** The acute toxicity test shall be conducted using 100 percent effluent collected at Monitoring Location EFF-002.
- 6. Test Failure.** If an acute toxicity test does not meet all test acceptability criteria, as specified in the test method, the Permittee shall re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.
- 7. Accelerated Monitoring.** If the result of any acute toxicity test fails to meet the single test minimum limitation (70 percent survival), and the testing meets all test acceptability criteria, the Permittee shall take two more samples, one within 14 days and one within 21 days following receipt of the initial sample result. If any one of the additional samples do not comply with the three sample median minimum limitation (90 percent survival), the Permittee shall initiate a Toxicity Reduction Evaluation (TRE) in accordance with section VI.C.2.a.ii of the Order. If the two additional samples are in compliance with the acute toxicity requirement and testing meets all test acceptability criteria, then a TRE will not be required. If the discharge stops before additional samples can be collected, the Permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the effluent limitation.
- 8. Notification.** The Permittee shall notify the Regional Water Board verbally within 72 hours and in writing 14 days after receipt of test results exceeding the acute toxicity effluent limitation during regular or accelerated monitoring. The notification shall describe actions

the Permittee has taken or will take to investigate and correct the cause(s) of toxicity. It may also include a status report on any actions required by this Order, with a schedule for actions not yet completed. If no actions have been taken, the reasons shall be given.

9. **Reporting.** The acute toxicity test results shall include the contracting laboratory's complete report provided to the Permittee and shall be in accordance with section 12 (Report Preparation) of *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA-821-R-02-012, 5th edition or subsequent editions). The submitted report shall clearly identify test results and the Permittee's status with regard to compliance with effluent limitations and other permit requirements.
10. **Ammonia Toxicity.** The acute toxicity test shall be conducted without modifications to eliminate ammonia toxicity.

## B. Chronic Toxicity Testing

The Permittee shall conduct chronic toxicity testing to demonstrate compliance with the Basin Plan's water quality objective for toxicity. The Permittee shall meet the following chronic toxicity testing requirements:

1. **Test Frequency.** The Permittee shall conduct chronic WET testing in accordance with the schedule established by this MRP while discharging at Discharge Point 002, as summarized in Table E-4, above.
2. **Sample Type.** Effluent samples for chronic toxicity testing shall be grab samples collected at EFF-002. For toxicity tests requiring renewals, grab samples collected on consecutive days are required. When tests are conducted off-site, a minimum of three samples shall be collected, in accordance with U.S. EPA test methods.
3. **Test Species.** Test species for chronic WET testing shall be a vertebrate, the fathead minnow, *Pimephales promelas* (larval survival and growth Test Method 1000.0), an invertebrate, the water flea, *Ceriodaphnia dubia* (survival and reproduction Test Method 1002.01), and a plant, the green algae, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (growth Test Method 1003.0).
4. **Test Methods.** The presence of chronic toxicity shall be estimated as specified in U.S. EPA's *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms* (U.S. EPA Report No. EPA-821-R-02-013, or subsequent editions).

Test procedures related to pH control, sample filtration, aeration, temperature control and sample dechlorination shall be performed in accordance with the U.S. EPA method and fully explained and justified in each acute toxicity report submitted to the Regional Water Board. The control of pH in chronic toxicity tests is allowed, provided the test pH is maintained at the pH of the receiving water measured at the time of sample collection, and the control of pH is done in a manner that has the least influence on the test water chemistry and on the toxicity of other pH sensitive materials such as some heavy metals, sulfide and cyanide.

5. **Test Dilutions.** The chronic toxicity test shall be conducted using a series of at least five dilutions and a control. The series shall consist of the following dilution series: 12.5, 25, 50, 75, and 100 percent, and a control. Effluent dilution and control water may be receiving water

or standard synthetic laboratory water as described in the U.S. EPA test methods manual. Where toxicity or biostimulatory issues are not a concern in the receiving water, receiving water is preferred for control and dilution water. If the dilution water used is different from the culture water, a second control using culture water shall be used.

- 6. Reference Toxicant.** If organisms are not cultured in-house, concurrent testing with a reference toxicant shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests also shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration, etc.).
- 7. Test Failure.** If either the reference toxicant test or the chronic toxicity test does not meet all test acceptability criteria, as specified in the test method, the Permittee shall re-sample and re-test as soon as possible, not to exceed 14 days following notification of test failure.
- 8. Notification.** The Permittee shall notify the Regional Water Board verbally within 72 hours and in writing within 14 days after the receipt of test results exceeding the chronic toxicity monitoring trigger during regular or accelerated monitoring.
- 9. Accelerated Monitoring Requirements.** If the result of any chronic toxicity test exceeds the chronic toxicity monitoring trigger of 1.6 TUC as a single sample result or 1.0 TUC as a monthly median, as specified in section VI.C.2.a. of the Order, and the testing meets all test acceptability criteria, the Permittee shall initiate accelerated monitoring. Accelerated monitoring shall consist of four additional effluent samples and dilution series (specified in number 5 above) – with one test for each test species showing toxicity results exceeding the toxicity trigger. Accelerated monitoring tests shall be conducted approximately every week over a four week period.

Testing shall commence within 14 days of receipt of initial sample results which indicated an exceedance of the chronic toxicity trigger. If the discharge will cease before the additional samples can be collected, the Permittee shall contact the Executive Officer within 21 days with a plan to address elevated levels of chronic toxicity in effluent and/or receiving water. The following protocol shall be used for accelerated monitoring and TRE implementation:

- a.** If the results of any accelerated toxicity testing exceed 1.0 TUC as a monthly median, the Permittee shall cease accelerated monitoring, and within 30 days of the date of completion of the accelerated monitoring, initiate the TRE Workplan developed in accordance with section VI.C.2.a.ii of the Order to investigate the cause(s) and identify actions to reduce or eliminate the chronic toxicity. Within 30 days of completing the TRE Workplan implementation, the Permittee shall submit a report to the Regional Water Board that shall include, at a minimum:
  - i.** Specific actions the Permittee took to investigate and identify the cause(s) of toxicity, including a TRE WET monitoring schedule;
  - ii.** Specific actions the Permittee took to mitigate the impact of the discharge and prevent the recurrence of toxicity;
  - iii.** Recommendations for further actions to mitigate continued toxicity, if needed; and
  - iv.** A schedule for implementation of recommended actions.
- b.** If the results of four consecutive accelerated monitoring tests do not exceed the chronic toxicity trigger of 1.0 TUC, as a monthly median, the Permittee may cease accelerated

monitoring and resume regular chronic toxicity monitoring. However, if there is adequate evidence of a pattern of effluent toxicity, the Regional Water Board's Executive Officer may require that the Permittee initiate a TRE.

- c. If the source(s) of the toxicity is easily identified (i.e. temporary plant upset), the Permittee 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 chronic toxicity has been removed, the Permittee may cease accelerated monitoring and resume regular chronic toxicity monitoring.

### C. Chronic Toxicity Reporting

**1. Routine Reporting.** Chronic toxicity monitoring results shall be submitted with the monthly self-monitoring report for the month that chronic toxicity monitoring was performed. Routine reporting shall include the following in order to demonstrate compliance with permit requirements:

- a. WET test reports shall include the contracting laboratory's complete report provided to the Permittee and shall be in accordance with the appropriate "Report Preparation and Test Review" sections of the method manuals and this MRP. The WET test report shall contain a narrative report that includes details about WET test procedures and results, including the following:
  - i. receipt and handling of the effluent sample that includes a tabular summary of initial water quality characteristics;
  - ii. the source and make-up of the lab control/diluent water used for the test;
  - iii. any manipulations done to lab control/diluent and effluent such as filtration, nutrient addition, etc.;
  - iv. identification of any reference toxicant testing performed;
  - v. tabular summary of test results for control water and each effluent dilution and statistics summary to include calculation of the NOEC, TUc and IC25;
  - vi. identification of any anomalies or nuances in the test procedures or results; and
  - vii. summary and conclusions section.
  - viii. WET test results shall include, at a minimum, for each test:
    - (a) Sample date(s);
    - (b) Test initiation date;
    - (c) Test species;
    - (d) End point values for each dilution (e.g., number of young, growth rate, percent survival);
    - (e) NOEC value(s) in percent effluent;
    - (f) IC15, IC25, IC40, and IC50 values (or EC15, EC25...etc.) in percent effluent;
    - (g) TUc values (100/NOEC);

- (h) Mean percent mortality ( $\pm$ s.d.) after 96 hours in 100 percent effluent (if applicable);
- (i) NOEC and LOEC values for reference toxicant test(s);
- (j) IC50 or EC50 value(s) for reference toxicant test(s);
- (k) Available water quality measurements for each test (e.g., pH, DO, temperature, conductivity, hardness, salinity, ammonia);
- (l) Statistical methods used to calculate endpoints;
- (m) The statistical output page, which includes the calculation of percent minimum significant difference (PMSD); and
- (n) Results of applicable reference toxicant data with the statistical output page identifying the species, NOEC, LOEC, type of toxicant, dilution water used, concentrations used, PMSD and dates tested; the reference toxicant control charts for each endpoint, to include summaries of reference toxicant tests performed by the contracting laboratory; and any information on deviations from standard test procedures or problems encountered in completing the test and how the problems were resolved.

**b. Compliance Summary.** In addition to the WET report, the Permittee shall submit a compliance summary that includes an updated chronology of chronic toxicity test results expressed in NOEC and TUC for tests conducted during the permit term, and organized by test species, type of test (survival, growth or reproduction), and monitoring frequency (routine, accelerated, or TRE). Each compliance summary report shall clearly identify whether or not the effluent discharge is below the chronic toxicity monitoring triggers and, in the event that the effluent discharge exceeds a single sample or median chronic toxicity trigger, the status of efforts (e.g., accelerated monitoring, TRE, TIE, etc.) to identify the source of chronic toxicity as required by section V.B.9 of this MRP.

**2. Quality Assurance Reporting.** Because the permit requires sublethal hypothesis testing endpoints from methods 1000.0, 1002.0, and 1003.0 in the test methods manual titled *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (U.S. EPA Report No. EPA-821-R-02-013, 2002, or subsequent editions), with-in test variability must be reviewed for acceptability and variability criteria (upper and lower PMSD bounds) must be applied, as directed under section 10.2.8 – *Test Variability* of the test methods manual. Under section 10.2.8, the calculated PMSD for both reference toxicant test and effluent toxicity test results must be compared with the upper and lower PMSD bounds variability criteria specified in Table 6 – *Variability Criteria (Upper and Lower PMSD Bounds) for Sublethal Hypothesis Testing Endpoints Submitted Under NPDES Permits*, following the review criteria in paragraphs 10.2.8.2.1 through 10.2.8.2.5 of the test methods manual. Based on this review, only accepted effluent toxicity test results shall be reported.

**VI. LAND DISCHARGE MONITORING REQUIREMENTS**

The Permit does not authorize discharges to land.

**VII. RECYCLING MONITORING REQUIREMENTS**

The Permit does not authorize use or application of recycled water.

**VIII. RECEIVING WATER MONITORING REQUIREMENTS**

**A. Monitoring Location RSW-001U**

1. The Permittee shall monitor upstream receiving water in the conveyance pipe prior to comingling with effluent at RSW-001U as follows:

**Table E-4 Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	MGD	Continuous	Daily <sup>1</sup>	Meter
pH	pH Units	Grab	Monthly <sup>2</sup>	Standard Methods <sup>3</sup>
Temperature	°C	Grab	Monthly <sup>2</sup>	Standard Methods
Dissolved Oxygen	mg/L	Grab	Monthly	Standard Methods
Specific Conductance	micromhos	Grab	Monthly	Standard Methods
Total Dissolved Solids	mg/L	Grab	Monthly	Standard Methods
Turbidity	mg/L	Grab	Monthly	Standard Methods
CTR Priority Pollutants <sup>4</sup>	µg/L	Grab	Annually <sup>5</sup>	Standard Methods <sup>6</sup>
Hardness (CaCO <sub>3</sub> )	mg/L	Grab	Annually <sup>5</sup>	Standard Methods

Table Notes:

1. Mean and peak daily and peak daily effluent flow rates.
2. Measurements must be taken to coincide with monthly effluent monitoring for ammonia.
3. 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 CFR Part 136.
4. Those pollutants identified by the California Toxics Rule at 40 CFR 131.38.
5. Receiving water hardness shall be monitored concurrently with the priority pollutant sample. Monitoring shall consist of a full priority pollutant scan one time per permit term, with annual samples analyzed only for those pollutants detected in the full scan. The Permittee is not required to sample and analyze for asbestos. Hardness shall be monitored concurrently with the annual priority pollutant sample.
6. Analytical methods must achieve the lowest minimum level (ML) specified in Attachment 4 of the SIP; and in accordance with Section 2.4 of the SIP, the Permittee shall report the ML and MDL for each sample result.

**B. Monitoring Location RSW-002D**

1. The Permittee shall monitor downstream receiving water in the wetland adjacent to the confluence of the wetland and conveyance pipe at RSW-002D as follows:

**Table E-5. Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	pH Units	Grab	Monthly	Standard Methods <sup>1</sup>
Temperature	°C	Grab	Monthly <sup>1</sup>	Standard Methods
Dissolved Oxygen	mg/L	Grab	Monthly	Standard Methods
Specific Conductance	micromhos	Grab	Monthly	Standard Methods
Total Dissolved Solids	mg/L	Grab	Monthly	Standard Methods
Turbidity	mg/L	Grab	Monthly	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 CFR Part 136.

**IX. OTHER MONITORING REQUIREMENTS**

**A. Monitoring Location INT-001**

- The Permittee shall monitor treated wastewater from the chlorine contact chamber prior to dechlorination for purposes of measuring chlorine residual at INT-001 as follows:

**Table E-6. Internal Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Chlorine Residual	mg/L	Grab	Daily	Standard Methods <sup>1</sup>

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 CFR Part 136.

**X. REPORTING REQUIREMENTS**

**A. General Monitoring and Reporting Requirements**

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

**B. Self-Monitoring Reports (SMR's)**

- The Permittee shall electronically submit SMR's using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). The CIWQS Web site will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.
- The Permittee shall report in the SMR the results for all monitoring specified in this MRP under sections III through IX. The Permittee shall submit monthly as well as annual SMR's including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this Order. SMR's are to include all new monitoring results obtained since the last SMR was submitted. If the Permittee monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
- Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

**Table E-7. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On	Monitoring Period	SMR Due Date
Continuous	June 1, 2014	All	Submit with monthly SMR
Daily	June 1, 2014	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	Submit with monthly SMR
Weekly	June 1, 2014	Sunday through Saturday	Submit with monthly SMR
Monthly	June 1, 2014	1 <sup>st</sup> day of calendar month through last day of calendar month	1 <sup>st</sup> of the second month following the monitoring period
Annually	June 1, 2014	July 1 through June 30	July 1

4. Reporting Protocols. The Permittee shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 C.F.R. part 136. The Permittee 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. 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 ( $\pm$  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.
  - d. Permittees 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 Permittee to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
5. Compliance Determination. Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A <. For purposes of reporting and administrative enforcement by the Regional Water Board and State Water Board, the Permittee shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

6. Multiple Sample Data. When determining compliance with an AMEL for priority pollutants and more than one sample result is available, the Permittee 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 Permittee 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.
7. The Permittee shall submit SMR’s in accordance with the following requirements:
  - a. The Permittee shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Permittee is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Permittee shall electronically submit the data in a tabular format as an attachment.
  - b. The Permittee shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

**C. Discharge Monitoring Reports (DMRs)**

1. At any time during the term of this permit, the State Water Board or Regional Water Board may notify the Permittee to electronically submit DMRs. Until such notification is given specifically for the submittal of DMRs, the Permittee 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 Permittee shall submit the original DMR and one copy of the DMR to the address listed below:

<b>STANDARD MAIL</b>	<b>FEDEX/UPS/ OTHER PRIVATE CARRIERS</b>
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, 15 <sup>th</sup> Floor Sacramento, CA 95814

3. All discharge monitoring results must be reported on the official U.S. EPA pre-printed DMR forms (EPA Form 3320-1) or on self-generated forms that follow the exact same format of EPA Form 3320-1.

**D. Other Reports**

- 1. Annual Report.** The Permittee shall submit an annual report to the Regional Water Board for each calendar year. The report shall be submitted by July 1st of the following year. The report shall, at a minimum, include the following:
  - a.** Both tabular and, where appropriate, graphical summaries of the monitoring data and disposal records from the previous year. If the Permittee monitors any pollutant more frequently than required by this Order, using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and report of the data submitted SMR.
  - b.** A comprehensive discussion of the facility's compliance (or lack thereof) with all effluent limitations and other WDRs, and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the Order.
  - c. Sanitary Sewer System Reporting.** The Permittee shall submit, as part of its annual report to the Regional Water Board, a description of the Permittee's activities within the sanitary sewer system over the previous twelve months. The report shall contain:
    - i.** A description of any change in the local legal authorities enacted to implement the Sewer System Management Plan (SSMP);
    - ii.** A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume, and cause of the SSO, and the names and addresses of the responsible parties as well as the names and addresses of the property owner(s) affected by the sanitary sewer overflow;
    - iii.** A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions taken as a result of the SSO. The summary shall also include a description of public participation activities to involve and inform the public;
    - iv.** Documentation that all feasible steps to stop and mitigate impacts of sanitary sewer overflows have been taken;
    - v.** Documentation that the annual report has been made available to the public.
  - d. Source Control Activity Reporting.** The Permittee shall submit, as part of its annual report to the Regional Water Board, a description of the Permittee's source control activities, as required by Provision IX.C.5.b.i, during the past year. This annual report is due on July 1st of each year, beginning on June 1, 2014 and shall contain:
    - i.** A copy of the source control standards.
    - ii.** A description of the waste hauler permit system; if applicable.
    - iii.** A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of any industrial or commercial users under surveillance by the Permittee, an explanation of whether they were inspected, sampled, or both, the frequency of these activities at each user, and the conclusions or results from the inspection or sampling of each user.
    - iv.** A summary of public participation activities to involve and inform the public.

## ATTACHMENT F – FACT SHEET

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**ATTACHMENT F – FACT SHEET**

As described in section I, the Regional Water Board incorporates this Fact Sheet as findings of the Regional Water Board supporting the issuance 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 Permittees 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 Permittee. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Permittee.

**I. PERMIT INFORMATION**

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

WDID	<b>1B80081OHUM</b>
Permittee	<b>Loleta Community Services District</b>
Name of Facility	<b>Wastewater Treatment Facility, Loleta</b>
Facility Address	<b>298 Eel River Drive</b>
	<b>Loleta, CA 95551</b>
	<b>Humboldt</b>
Facility Contact, Title and Phone	<b>Marcus Drumm, General Manager, (707) 733-1717</b>
Authorized Person to Sign and Submit Reports	<b>Marcus Drumm, General Manager, (707) 733-1717</b>
Mailing Address	<b>P.O. Box 236 Loleta, CA 95551</b>
Billing Address	<b>SAME</b>
Type of Facility	<b>POTW</b>
Major or Minor Facility	<b>Minor</b>
Threat to Water Quality	<b>2</b>
Complexity	<b>B</b>
Pretreatment Program	<b>No</b>
Recycling Requirements	<b>No</b>
Facility Permitted Flow	<b>0.081 MGD average dry weather flow (ADWF) 0.143 MGD average wet weather flow (AWWF)</b>
Facility Design Flow	<b>0.081 MGD ADWF 0.143 MGD AWWF</b>
Watershed	<b>Lower Eel River</b>
Receiving Water	<b>Wetland tributary to the Eel River</b>
Receiving Water Type	<b>Inland Surface Water</b>

- A. The Loleta Community Services District (hereinafter Permittee) is the owner and operator of the Loleta Wastewater Treatment Facility (hereinafter Facility), a Publicly-Owned Treatment Works (POTW). 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 Permittee herein.

- B.** The Facility discharges wastewater to an unnamed wetland, a water of the United States, tributary to the Eel River within the Lower Eel River Watershed. The Permittee was previously regulated by Order R1-2008-0001 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA adopted on March 6, 2008, and expired on May 1, 2013. The terms and conditions of Order R1-2008-0001 have been automatically continued and remain in effect until new Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit requirements are adopted pursuant to this Order. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

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 Permittee must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.

- C.** The Permittee filed a report of waste discharge and submitted an application for reissuance of its WDRs and NPDES permit on January 2, 2013. The application was deemed complete on May 1, 2013. A site visit was conducted on January 15, 2014, to observe operations and collect additional data to develop permit limitations and requirements for waste discharge.]

## **II. FACILITY DESCRIPTION**

The Loleta Community Services District (District) is located in Humboldt County off Highway 101 approximately 13 miles south of Eureka. The District is located within the Lower Eel River watershed and serves approximately 750 residential customers and three commercial customers the Loleta Cheese Factory, a Laundromat, and a small deli. The Permittee owns and operates all wastewater collection and treatment facilities in Loleta.

### **A. Description of Wastewater and Biosolids Treatment and Controls**

The waste treatment facility includes an aeration basin, clarifier, chlorine contact chamber, and chlorine and sulfur flow-proportioning equipment. Biosolids from the clarifier are stored in a vault at the Facility, which is periodically pumped and hauled to an offsite permitted facility for further treatment and disposal. The system is augmented with an emergency alarm system and generator.

Wastewater from the Loleta Cheese Factory has the ability to impact the performance of the Facility as a result of discharges into the system of high strength (BOD<sub>5</sub>) wastewater characterized by high and low pH and elevated total dissolved solids. The Permittee regulates this discharge into the system under District Ordinance No. 76-01, Article 8, Section 3.8.

### **B. Discharge Points and Receiving Waters**

Effluent is discharged at Discharge Point 001 (Latitude: 40.639680° Longitude: -124.227103°) and is conveyed along with storm water via subsurface pipe to a wetland, which is tributary to the Eel River. The discharge to the wetland occurs at a point on the north bank approximately ¼ mile south of Dungan Road within the Ferndale Hydrologic Subarea of the Lower Eel River Hydrologic Area and the Eel River Hydrologic Unit at Latitude: 40.629409° Longitude: -124.238656° as shown on Attachment B.

In accordance with the Basin Plan, discharges to the Eel River are permitted only during the period of October 1 through May 14 of each year, as long as the discharge flow is less than or equal to one percent of the receiving water flow. Compliance with the discharge rate shall be evaluated based upon flow measurements taken at RSW-001U (Latitude: 40.640124° Longitude:

-124.226770) from the storm water conveyance pipe prior to comingling with effluent. Currently, effluent discharges to the wetland occur year round in violation of the Basin Plan’s seasonal prohibition and Discharge Prohibition III.G. of the Order.

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

Effluent limitations contained in the existing Order for discharges of treated effluent from Discharge Point 001 and representative monitoring data from EFF-001 during 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 Jan 2009 – To Dec 2012)		
		Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
Biochemical Oxygen Demand (BOD)	mg/L	30	45	60	28	28	28
	lbs/day	25	38	50	38.7	38.7	38.7
	percent removal	85	---	---	74.4	---	---
Total Suspended Solids (TSS)	mg/L	30	45	60	23	23	23
	lbs/day	25	38	50	40.9	40.9	40.9
	percent removal	85	---	---	71.4	---	---
Settleable Solids	ml/L	0.1	---	0.2	0.4	---	1.2
pH	standard units	Not less than 6.5 nor greater than 8.5			---	---	6.0-7.0
Total Coliform Bacteria	MPN/100 mL	23	--	230	811	---	>230
Total Residual Chlorine	mg/L	No detectable levels using a minimum detection limit of 0.1 mg/L			---	---	0.4
Chronic Toxicity	TUc	1.0	--	--	4.0	---	---
Acute Toxicity	percent survival	90 <sup>1</sup>	---	70 <sup>2</sup>	100	---	100
Table Notes:							
1. Median for any three or more consecutive bioassays: at least 90 percent survival.							
2. Minimum for any one bioassay: 70 percent survival							

**D. Compliance Summary**

An Administrative Civil Liability Complaint (Complaint) was issued on June 25, 2012 to the Loleta Community Services District assessing administrative civil liability for discharges from the Facility. The Complaint alleges: Eighty-six (86) effluent limit violations subject to mandatory minimum penalties for violations occurring during the period from May 1, 2005 through May 30, 2012 (Complaint Period).

Self-monitoring reports submitted for the Complaint Period indicated eighty-six (86) exceedances of the effluent limitations set forth in Orders No. R1-2001-0059 and R1-2008-0001. The 86 effluent violations are for Biochemical Oxygen Demand 5-day @ 20°C (BOD), Total

Suspended Solids (TSS), Coliform Bacteria, Settleable Solids, pH, Total Residual Chlorine and BOD and TSS percent removal. The Complaint has not yet been resolved with a final Order.

In accordance with the Basin Plan, discharges to the Eel River are permitted only during the period of October 1 through May 14 of each year. The Facility has been allowed to discharge year round at Discharge Point 001 to the conveyance pipe which flows into a wetland. Historically, this methodology was viewed as compliant with the Basin Plan seasonal discharge prohibition because the overland hydraulic connection between the wetland and the Eel River is dry for all or most of the period between May 15 and September 30 each year. However, despite the dry season conditions, the wetland retains a “significant nexus” to waters that are navigable, because the wetland overflows directly into the Eel River during the wet season. Because of this significant nexus the wetland itself considered a water of the United States. As a result, discharges to the wetland are subject to not only to the Clean Water Act, but also to the Basin Plan requirements and prohibitions applicable to inland surface waters; specifically those applicable to the Eel River and its tributaries. Effluent discharges to the wetland continue to occur year round in violation of the Basin Plan’s seasonal prohibition and Discharge Prohibition III.G. of the Order. New or modified control measures will be needed for the Permittee to comply. These measures are dependent on the completion of multiple studies, which will take significant time to be designed, installed, and put into operation.

**E. Planned Changes**

Specific changes to the Facility are unclear at this time. The Permittee plans to seek funding assistance from the State Board’s Small Community Grants Program to perform a system-wide evaluation. The results of such an evaluation may be used for future planning purposes.

**III. APPLICABLE PLANS, POLICIES, AND REGULATIONS**

The requirements contained in this Order are based on the requirements and authorities described in this section.

**A. Legal Authorities**

This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters.

**B. California Environmental Quality Act (CEQA)**

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA, (commencing with section 21100) of Division 13 of the Public Resources Code.

**C. State and Federal Laws, Regulations, Policies, and Plans**

**1. Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the Water Quality Control Plan for the North Coast Region (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 section 2. Beneficial Uses 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 the wetland receiving water, but does identify present and potential uses for the Eel River, to which wetland is tributary. In

addition, the Basin Plan implements State Water Board Resolution 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, beneficial uses applicable to wetland are as follows:

**Table F-3. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Wetland	<p><u>Existing:</u>                      MUN – Municipal and Domestic Supply                      AGR – Agricultural Supply                      IND – Industrial Service Supply                      GWR – Groundwater Recharge                      FRSH – Freshwater Replenishment                      NAV – Navigation                      REC1 – Water Contact Recreation                      REC2 – Non-Contact Water Recreation                      COMM – Commercial and Sport Fishing                      COLD – Cold Freshwater Habitat                      WILD – Wildlife Habitat                      RARE – Preservation of Rare, Threatened, or Endangered Species                      MIGR – Migration of Aquatic Organisms                      SPWN – Spawning, Reproduction, and/or Early Development                      SHELL – Shellfish Harvesting                      EST – Estuarine Habitat                      CUL – Native American Culture                      WET – Wetland Habitat</p> <p><u>Potential:</u>                      PRO – Industrial Process Supply                      POW – Hydropower Generation                      MAR – Marine Habitat                      AQUA – Aquaculture                      FLD – Flood Peak Attenuation/Flood Water Storage                      WQE – Water Quality Enhancement</p>

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA 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, U.S. EPA 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 federal water quality criteria for priority pollutants.
3. **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 U.S. EPA 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 U.S. EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority

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

4. **Antidegradation Policy.** Federal regulation 40 C.F.R. 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 68-16. Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 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. The permitted discharge must be consistent with the antidegradation provision of 40 C.F.R. section 131.12 and State Water Board Resolution 68-16.
5. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.
6. **Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Permittee is responsible for meeting all requirements of the applicable Endangered Species Act.

#### D. Impaired Water Bodies on CWA 303(d) List

Section 303(d) of the federal CWA requires states to identify waterbodies that do not meet water quality standards and are not supporting their beneficial uses after implementation of technology-based effluent limitations on point sources. Each state must submit an updated list, the 303(d) List of Impaired Waterbodies, to USEPA by April of each even numbered year. In addition to identifying the waterbodies that are not supporting beneficial uses, the 303(d) list also identifies the pollutant or stressor causing impairment and establishes a schedule for developing a control plan to address the impairment. USEPA requires the Regional Water Board to develop total maximum daily loads (TMDLs) for each 303(d) listed pollutant and water body contaminant. TMDLs establish the maximum quantity of a given pollutant that can be added to a water body from all sources without exceeding the applicable water quality standard for that pollutant and determine wasteload allocations (the portion of a TMDL allocated to existing and future point sources) for point sources and load allocations (the portion of a TMDL attributed to existing and future nonpoint sources) for nonpoint sources.

On November 12, 2009, USEPA provided partial approval of the 303(d) list of impaired water bodies prepared by the State. The partial approval supported the 303(d) listing of the Lower Eel River as impaired by aluminum, dissolved oxygen, sedimentation/siltation, and temperature. TMDLs for aluminum and dissolved oxygen in the Lower Eel River are scheduled for completion in 2021. On December 18, 2007, USEPA approved the Lower Eel River Total Maximum Daily Loads for Temperature and Sediment.

Regarding temperature, the TMDL concludes that most sources of heat in the Lower Eel River are from diffuse, nonpoint sources and result from such factors as removal of stream shade, longer

travel time, changes in timing and volume of natural stream flow due to water diversions and impoundments, and increased sediment loads that cause widening of streams. As the critical time period for temperature is in the summer, the TMDL was established for that critical time period, which is also the time period when point source discharges from the Facility are prohibited. The TMDL concludes that, because of the summer discharge prohibition, area facilities such as the Facility do not contribute to temperature loadings to the Lower Eel River Watershed during critical periods, and therefore, the TMDL establishes a “zero” WLA to mean that, as long as the Permittee adheres to the summer discharge prohibition, it will be in compliance with the approved TMDL for temperature.

Regarding sediment, the TMDL establishes a maximum loading of 125 percent of the natural sediment loading for the watershed and further defines that loading rate as 2.5 tons of sediment per square mile of watershed per day on a long term basis. Although nonpoint sources were found to be primarily responsible for excessive sediment loadings to the Lower Eel River, the TMDL establishes WLAs for area wastewater treatment facilities at levels corresponding to existing permit limitations for suspended solids and a monthly average WLA for settleable solids of 0.1 ml/L. As discussed in section IV.D.1 of the Fact Sheet and consistent with anti-backsliding requirements, this Order therefore retains limitations for settleable solids and TSS from Order No. R1-2008-0001.

#### **E. Other Plans, Policies and Regulations**

- 1. Sanitary Sewer Systems.** On May 2, 2006, the State Water Board adopted State Water Board Order No. 2006-0003-DWQ, Statewide General WDRs for Sanitary Sewer Systems and on February 20, 2008 adopted Order No. WQ 2008-0002-EXEC Adopting Amended Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. Order No. 2006-0003-DWQ requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the General WDRs. The deadline for dischargers to apply for coverage was November 2, 2006. The Permittee applied for coverage and is subject to the requirements of Order Nos. 2006-0003-DWQ and WQ 2008-0002 and any future revisions thereto for operation of its wastewater collection system.
- 2. Storm Water.** Storm water that falls within the confines of the Facility is not returned to the headworks. However, coverage under the State Water Board Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (Industrial Storm Water General Permit) is not required based on the size of the Facility.
- 3. Point of Discharge.** 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 Permittee must file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for such a change. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.

#### **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

The CWA requires point source Permittees 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 in the Code of Federal Regulations: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and

standards; and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

#### **A. Discharge Prohibitions**

- 1. Discharge Prohibition III.A.** The discharge of any waste not disclosed by the Permittee or not within the reasonable contemplation of the Regional Water Board is prohibited.

This prohibition is based on the Basin Plan, the previous Order, and State Water Board Order No. WQO-2002-0012 regarding the petition of WDRs Order No. 01-072 for the East Bay Municipal Utility District and Bay Area Clean Water Agencies. In State Water Board Order No. WQO 2002-0012, the State Water Board found that this prohibition is acceptable in orders, but should be interpreted to apply only to constituents that are either not disclosed by the Permittee, or are not reasonably anticipated to be present in the discharge but have not been disclosed by the Permittee. It specifically does not apply to constituents in the discharge that do not have “reasonable potential” to exceed water quality objectives.

The State Water Board has stated that the only pollutants not covered by this prohibition are those which were “disclosed to the permitting authority and ... can be reasonably contemplated.” [In re the Petition of East Bay Municipal Utilities District et al., (State Water Board, 2002) Order No. WQO 2002-0012, p. 24] In that Order, the State Water Board cited a case which held the Permittee is liable for the discharge of pollutants “not within the reasonable contemplation of the permitting authority ...whether spills or otherwise...” [Piney Run Preservation Assn. v. County Commissioners of Carroll County, Maryland (4th Cir. 2001) 268 F. 3d 255, 268.] Thus the State Water Board authority provides that, to be permissible, the constituent discharged (1) must have been disclosed by the Permittee and (2) can be reasonably contemplated by the Regional Water Board.

Whether or not the Permittee reasonably contemplates the discharge of a constituent is not relevant. What matters is whether the Permittee disclosed the constituent to the Regional Water Board or whether the presence of the pollutant in the discharge can otherwise be reasonably contemplated by the Regional Water Board at the time of Order adoption.

- 2. Discharge Prohibition III.B.** Creation of pollution, contamination, or nuisance, as defined by section 13050 of the Water Code, is prohibited.

This prohibition is based on section 13050 of the Water Code, and has been retained from WDRs Order No. R1-2008-0001.

- 3. Discharge Prohibition III.C.** The discharge of sludge or digester supernatant is prohibited, except as authorized under section VI.C.5.c.of this Order (Solids Disposal and Handling Requirements).

This prohibition is based on restrictions on the disposal of sludge found in federal and State regulations (40 C.F.R. Part 503 and title 27 of the California Code of Regulations). It has been retained from Order R1-2008-0001.

- 4. Discharge Prohibition III.D.** The discharge or reclamation use of untreated or partially treated waste (receiving a lower level of treatment than described in section II.A of the Fact Sheet) from anywhere within the collection, treatment, or disposal systems is prohibited, except as provided for in section IV.C.2 (Reclamation Specifications) and in Attachment D, Standard Provisions G (Bypass) and H (Upset).

This prohibition has been retained from the previous Order and is based on the Basin Plan to protect beneficial uses of the receiving water from unpermitted discharges, and the intent of the Water Code sections 13260 through 13264 relating to the discharge of waste to waters of the State without filing for and being issued an Order. This prohibition applies to spills not related to sanitary sewer overflows (SSOs) and other unauthorized discharges of wastewater within the collection, treatment, and disposal facilities. The discharge of untreated or partially treated wastewater from the collection, treatment, or disposal Facility represents an unauthorized bypass pursuant to 40 CFR 122.41(m) or an unauthorized discharge which poses a threat to human health and/or aquatic life, and therefore is explicitly prohibited by this Order.

- 5. Discharge Prohibition III.E.** Any sanitary sewer overflow (SSO) that results in a discharge of untreated or partially treated wastewater to (a) waters of the State or (b) land that creates a pollution, contamination, or nuisance as defined in Water Code section 13050(m) is prohibited.

This prohibition applies to spills related to SSOs and is based on State standards, including section 13050 of the Water Code and the Basin Plan. This prohibition is consistent with the State's antidegradation policy as specified in State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Water in California) in that the prohibition imposes conditions to prevent impacts to water quality, the degradation of water quality, negative effects on receiving water beneficial uses, and lessening of water quality beyond that prescribed in State Water Board or Regional Water Board plans and policies.

This prohibition is stricter than the prohibitions stated in State Water Board Order 2006-003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. Order No. 2006-0003-DWQ prohibits SSOs that result in the discharge of untreated or partially treated wastewater to waters of the United States and SSOs that cause a nuisance, compared to Prohibition III.E of this Order, which prohibits SSO discharges that create nuisance or pollution to waters of the State and land for a more complete protection of human health. The rationale for this prohibition is because of the prevalence of high groundwater in the North Coast Region, and this Region's reliance on groundwater as a drinking water source.

- 6. Discharge Prohibition III.F.** The average daily dry weather flow of waste through the treatment plant shall not exceed 0.081 MGD, measured daily and averaged over a calendar month. The average wet weather flow of waste through the treatment plant shall not exceed 0.143 MGD, measured daily and averaged over a calendar month.

This prohibition is based on the design treatment capacities of the Facility. Exceedance of the treatment plant's design capacity may result in lowering the reliability of achieving compliance with water quality protection requirements.

- 7. Discharge Prohibition III.G.** Discharges of waste to the Eel River and its tributaries including wetlands, are prohibited during the period May 15 through September 30 each year.

This prohibition is required by the Basin Plan, which prohibits discharges to the Eel River and its tributaries during the period of May 15 through September 30 (Chapter 4, North Coastal Basin Discharge Prohibition No.3). The intent of the prohibition is to prevent the contribution of wastewater to the baseline flow during the period of the year when the Eel

River and its tributaries experience the heaviest water contact recreation use and when flows are lowest. This prohibition has been retained from Order R1-2008-0001.

- 8. Discharge Prohibition III.H.** During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the receiving water. During the period of October 1 through May 14 of each year, discharges of wastewater to the wetland, tributary to an unnamed slough and the Eel River, shall not exceed one percent of the flow into the wetland, as measured at the storm water conveyance pipe prior to mixing with effluent from the WWTF. In no case shall the total volume of treated wastewater discharged in a calendar month exceed one percent of the total volume of storm water measured in the same calendar month.

The Basin Plan prohibits discharges to the Eel River or its tributaries which are greater than one percent of the receiving stream's flow during the period from October 1 through the May 14 (Chapter 4, North Coastal Basin Discharge Prohibition No.3). This prohibition is retained from Order No. R1-2008-0001. For purposes of this Order, the receiving water flow shall be measured in the storm water conveyance pipe prior to confluence with Facility effluent.

- 9. Discharge Prohibition III.I.** The discharge of waste to land that is not owned by the Permittee, governed by District ordinance, under agreement to use by the Permittee, or for which the Permittee has explicitly permitted such use, is prohibited, except for use for fire suppression as provided in title 22, sections 60307(a) and 60307(b) of the California Code of Regulations (CCR).

Land used for the application of wastewater must be owned by, or be under the control of, the Permittee by contract so that the Permittee maintains a means for ultimate disposal of treated wastewater. This prohibition has been retained from Order No. R1-2008-0001.

- 10. Discharge Prohibition III.J.** The discharge of waste at any point not described in Finding II.B of the Fact Sheet or authorized by permit issued by the State Water Board or another Regional Water Board Order is prohibited.

This prohibition is a general prohibition that allows the Permittee to discharge waste only in accordance with WDRs. It is based on sections 301 and 402 of the federal CWA and section 13263 of the Water Code.

- 11. Discharge Prohibition III.K.** The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited under Water Code section 13375.

This prohibition is a general prohibition that allows the Permittee to discharge waste only in accordance with WDRs. It is based on section 13375 of the Water Code.

## **B. Technology-Based Effluent Limitations**

### **1. Scope and Authority**

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR 122.44, 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. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 C.F.R. section 133 and Best Professional Judgment (BPJ) in accordance with 40 C.F.R. section 125.3.

Regulations promulgated in 40 C.F.R. 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) of the CWA). Section 301(b)(1)(B) of the CWA 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 40 C.F.R. section 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 BOD<sub>5</sub>, TSS, and pH, as follows:

**a. BOD<sub>5</sub> and TSS**

- i. The 30-day average shall not exceed 30 mg/L.
- ii. The 7-day average shall not exceed 45 mg/L.
- iii. The 30-day average percent removal shall not be less than 85%.

**b. pH**

The pH shall be maintained within the limits of 6.0 to 9.0.

The effluent limitation for pH required to meet the water quality objective for hydrogen ion concentration (pH) is contained in the Basin Plan, Table 3-1.

In addition, 40 C.F.R. section 122.45(f) requires the establishment of mass-based effluent limitations for all pollutants limited in Orders, except for 1) pH, temperature, radiation, or other pollutants which cannot be appropriately expressed by mass, and 2) when applicable standards and limitations are expressed in terms of other units of measure.

**2. Applicable Technology-Based Effluent Limitations**

- a. Numeric effluent limitations for BOD<sub>5</sub> and TSS established by USEPA's secondary treatment regulations at 40 C.F.R. section 133, including the percent removal requirement. These limitations are retained from Order No. R1-2008-0001.
- b. Mass effluent limitations for BOD and TSS are required pursuant to 40 C.F.R. section 122.45(f) for the purpose of assuring that dilution is not used as a method of achieving the concentration limitations in the permit. Mass-based effluent limitations are technology-based; and for this permit, are based on the facility's design wet weather treatment capacity of 143,000 gallons per day.
- c. Effluent limitations for settleable solids are also retained from Order No. R1-2008-0001. Untreated or improperly treated wastewater can contain high amounts of settleable solids, which can have an adverse effect on aquatic habitat. As the lower Eel River is listed as impaired by sediment, settleable solids effluent limitations have been retained from the previous Order. The monthly average and maximum daily effluent limitations

of 0.1 and 0.2 ml/L, respectively, reflect typical standards of performance for secondary treatment facilities and are included as a limitation based on the best professional judgment of Regional Water Board staff.

- d. Effluent limitations for coliform bacteria (23 MPN/100 mL - 30-day median and 230 MPN/100 mL - daily maximum) are retained from the previous Order. These limitations reflect standards adopted by the Department of Health Services for secondary treated recycled water in title 22 of the California Code of Regulations.

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

### 1. Scope and Authority

CWA Section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) of 40 C.F.R. requires 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) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

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. Beneficial Uses.** Beneficial use designations for receiving waters for discharges from the Facility are presented in section III.C.1 of this Fact Sheet.

**b. Basin Plan Water Quality Objectives.** In addition to the specific water quality objectives indicated above, the Basin Plan contains narrative objectives for color, tastes and odors, floating material, suspended material, settleable material, oil and grease, biostimulatory substances, sediment, turbidity, pH, dissolved oxygen, bacteria, temperature, toxicity, pesticides, chemical constituents, and radioactivity that apply to inland surface waters, enclosed bays, and estuaries, including the Eel River and its tributaries. For waters designated for use as domestic or municipal supply (MUN), the Basin Plan establishes as applicable water quality criteria the Maximum Contaminant Levels (MCLs) established by CDPH for the protection of public water supplies at title 22 of the CCR section 64431 (Inorganic Chemicals) and section 64444 (Organic Chemicals).

**c. SIP, CTR and NTR.** Water quality criteria and objectives applicable to this receiving water are established by the California Toxics Rule (CTR), established by the USEPA at 40

CFR 131.38; and the National Toxics Rule (NTR), established by the USEPA at 40 CFR 131.36. Criteria for most of the 126 priority pollutants are contained within the CTR and the NTR.

The SIP, which is described in section III.B.3 of this Fact Sheet, includes procedures for determining the need for, and the calculation of, WQBELs and requires Permittees to submit data sufficient to do so.

At title 22, division 4, chapter 15 of the CCR, CDPH has established MCLs for certain pollutants for the protection of drinking water. Chapter 3 of the Basin Plan establishes these MCLs as water quality objectives applicable to receiving waters with the beneficial use designation of municipal and domestic supply.

Aquatic life freshwater and saltwater criteria are identified as criterion maximum concentrations (CMC) and criterion continuous concentrations (CCC). The CTR defines the CMC as the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects and the CCC as the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects. The CMC is used to calculate an acute or 1-hour average numeric effluent limitation and the CCC is used to calculate a chronic or 4-day average numeric effluent limitation. Aquatic life freshwater criteria were used for the RPA.

Human health criteria are further identified as “water and organisms” and “organisms only.” “Water and organism” criteria are designed to address risks to human health from multiple exposure pathways. The criteria from the “water and organisms” column of CTR were used for the RPA because the Basin Plan identifies that the receiving water, the Eel River, has the beneficial use designation of municipal and domestic supply.

### 3. Determining the Need for WQBELs

NPDES regulations at 40 CFR 122.44 (d) require effluent limitations to control all pollutants which 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.

#### a. Non-Priority Pollutants

- i. **pH.** The effluent limitation for pH of 6.5 to 8.5 is retained from WDRs Order No. R1-2008-0001. This limitation is based on the water quality objective for all surface waters of the North Coast Region established in Chapter 3 of the Basin Plan. Federal technology-based requirements prescribed in 40 CFR 133 are not sufficient to meet these Basin Plan water quality standards.
- ii. **Total Coliform Bacteria.** Coliform bacteria are a pollutant of concern in all wastewaters of domestic origin, and therefore, the Order retains the effluent limitations for total coliform bacteria from the previous permit. These effluent limitations will ensure that water quality objectives for bacteria, as established by Chapter 3 of the Basin Plan, will be maintained. The specific limitations are based on requirements established by the Department of Health Services at title 22, Cal. Code of Regs, Division 4, Chapter 3 (Water Recycling Criteria, and are those levels of bacteria required for the reclamation use of treated wastewater for surface

irrigation of (i) pasture used for animals producing milk for human consumption and (ii) any nonedible vegetation where access is controlled.

- iii. **Settleable Solids.** Effluent limitations for settleable solids are retained from the previous Order and reflect levels of treatment attainable by secondary treatment facilities. This limitation is based on the water quality objective prohibiting bottom deposits for all surface waters of the North Coast Region established by the Basin Plan.
- iv. **Chlorine Residual.** The Basin Plan establishes a narrative water quality objective for toxicity, stating that “[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.” The Regional Water Board considers any chlorinated discharge as having the reasonable potential to cause or contribute to exceedences of this water quality objective for toxicity, and therefore, the Order establishes effluent limitations for chlorine. USEPA has established the following criteria for chlorine-produced oxidants for protection of fresh water aquatic life. [*Quality Criteria for Water 1986* (The Gold Book, 1986, EPA 440/5/-86-001)]

Chronic Criterion	Acute Criterion
0.011 mg/L	0.019 mg/L

The water quality criteria recommended by USEPA have been translated to average monthly and maximum daily effluent limitations for total chlorine residual in this Order. The effluent limitations established in this Order are retained from the previous Order which required no detectable level of chlorine in effluent at the point of discharge.

- v. **Nitrate:** Nitrate is known to cause adverse health effects in humans. For waters designated as domestic or municipal supply, the Basin Plan (Chapter 3) adopts the MCLs, established by CDPH for the protection of public water supplies at title 22 of the CCR, sections 64431 (Inorganic Chemicals) and 64444 (Organic Chemicals), as applicable water quality criteria. The MCL for nitrate (10 mg/L as N) is therefore applicable as a water quality criterion. Monitoring results showed concentrations up to 50 mg/L as N.

Using the methodology described in the SIP for determining reasonable potential, because nitrate levels in effluent have not been measured at concentrations greater than 10 mg/L as N, the Regional Water Board concludes that discharges from the Facility have a reasonable potential to cause or contribute to exceedences of applicable water quality criteria for the receiving water.

**b. Priority Pollutants**

The SIP establishes procedures to implement water quality criteria from the NTR and CTR and for priority, toxic pollutant objectives established in the Basin Plan. The implementation procedures of the SIP include methods to determine reasonable potential

(for pollutants to cause or contribute to excursions above State water quality standards) and to establish numeric effluent limitations, if necessary, for those pollutants showing reasonable potential.

Section 1.3 of the SIP requires the Regional Water Board to use all available, valid, relevant, and representative receiving water and effluent data and information to conduct an RPA. During the term of Order No. R1-2008-00001, priority pollutant sampling was conducted on July 21, 2008, July 31, 2008, November 20, 2008, December 23, 2008, and February 5, 2009.

**Hardness:** The California Toxics Rule 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 hardness-dependent metal criteria include cadmium, copper, chromium (III), lead, nickel, silver, and zinc.

Effluent limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. Effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions. The SIP does not address how to determine 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. The CTR requires that, for waters with a hardness of 400 mg/L (as CaCO<sub>3</sub>), 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 (See 40 CFR 131.38(c)(4)(i)). The CTR does not define whether the term “ambient”, as applied in the regulations, necessarily requires the consideration of the upstream as opposed to downstream hardness conditions.

State Water Board Order No. WQ-2008-0008 (City of Davis) further interpreted the SIP by stating “...the regional water boards have considerable discretion in the selection of hardness. Regardless of which method is used for determining hardness, the selection must be protective of water quality criteria, given the flow conditions under which a particular hardness exists. Regardless of the hardness used, the resulting limits must always be protective of water quality under all flow conditions.” The point in the receiving water affected by the discharge is downstream of the discharge. As the effluent mixes with the receiving water, the hardness of the receiving water can change. Therefore, where reliable, representative data are available, it is appropriate to use the ambient hardness downstream of the discharge that is a mixture of the effluent and receiving water for the determination of the CTR hardness-dependent metals criteria.

A 2006 Study (Emerick, R.W.; Booroum, Y.; & Pedri, J.E., 2006. California and National Toxics Rule Implementation and Development of Protective Hardness Based Metal Effluent Limitations, WEFTEC, Chicago, Ill.) demonstrates that using the lowest recorded receiving water hardness for establishing water quality criteria is not always protective of the receiving water under various mixing conditions (e.g., when the effluent hardness is less than the receiving water hardness). The 2006 study evaluated the relationships between hardness and the CTR metals criterion that is calculated using the CTR metals equation. The equation describing the total recoverable regulatory criterion, as established in the CTR, is as follows:

CTR Criterion = WER x (em[ln(H)]+b) (Equation 1) Where:

WER = water effect ratio

H = Hardness

b = metal- and criterion-specific constant

m = metal- and criterion-specific constant

In accordance with the CTR, the default value for the WER is 1. A Permittee specific WER study must be conducted in order to use a WER value other than 1. 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. The relationship between hardness and the resulting criterion in Equation 1 can exhibit either a downward –facing (i.e., concave downward) or an upward-facing (i.e., concave upward) curve depending on the values of the criterion-specific constants. The curve shapes for acute and chronic criteria for the metals are as follows:

**Concave Downward Metals:** acute and chronic chromium (III), copper, nickel, and zinc; and chronic cadmium. For those contaminants where the regulatory criteria exhibit a concave downward relationship as a function of hardness, any mixture of receiving water that is compliant with water quality objectives for that metal and effluent that is compliant with water quality objectives for that metal will always result in a mixture that is compliant with water quality objectives and use of the lowest recorded effluent hardness for establishment of water quality objectives is fully protective of all beneficial uses regardless of whether the effluent or receiving water hardness is higher. Use of the lowest recorded effluent hardness is also protective under all possible mixing conditions between the effluent and the receiving water (i.e., from high dilution to no dilution). Because the Order requires compliance with effluent limitations at the end of the discharge pipe, effluent hardness is an appropriate and protective hardness to use in adjusting the water quality criteria for the concave downward metals. The reasonable worst-case ambient hardness can be estimated by using the lowest effluent hardness. Copper is the only concave-downward metal that exhibits reasonable potential. The water quality criteria for copper was calculated for this Order using Equation 1 and a reported minimum effluent hardness of 41 mg/L as CaCO<sub>3</sub>, based on effluent hardness measurements obtained by the Permittee between 2008 and June 2013. The minimum effluent hardness measurement reported during that time period was 122 mg/L.

**Concave Upward Metals:** cadmium (acute), lead, and silver (acute). Those contaminants where the regulatory criteria exhibit a concave downward relationship were not detected in the effluent.

**c. Reasonable Potential Determination**

The RPA demonstrated reasonable potential for discharges of copper, carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate from the Facility to cause or contribute to exceedances of applicable water quality criteria. Reasonable potential could not be determined for all pollutants, as there are not applicable water quality criteria for all pollutants. The RPA determined that there is either no reasonable potential or there was insufficient information to conclude affirmative reasonable potential for 122 of the 126 priority pollutants.

Table F-7 summarizes the RPA for each pollutant that was reported in detectable concentrations in the effluent or the receiving water. The MECs, most stringent water quality objectives/water quality criteria (WQO/WQCs), and background concentrations (B) used in the RPA are presented, along with the RPA results (Yes or No and which trigger) for each toxic pollutant analyzed. No other pollutants with applicable, numeric water quality criteria from the NTR, CTR, and the Basin Plan were measured above detectable concentrations during the monitoring events conducted by the Permittee. Attachment F-1 to this Order summarizes the RPA for all 126 priority pollutants.

**Table F-4. Summary of Reasonable Potential Analysis Results**

CTR #	Pollutants	C or Most Stringent WQO/WQC (µg/L)	MEC or Minimum DL (µg/L) <sup>1</sup>	B or Minimum DL (µg/L)	RPA Results <sup>2</sup>
6	Copper	27	41	5	Yes
13	Zinc	142	45	10	No
21	Carbon tetrachloride	0.25	2.6	0.5	Yes
23	Chlorodibromomethane	0.40	2.2	0.5	Yes
26	Chloroform	No Criteria	128	0.6	Ud
27	Dichlorobromomethane	0.56	17.5	0.5	Yes
39	Toluene	150	1.0	0.8	No
101	1,2,4-trichlorobenzene	5.0	0.07	0.5	No
Not Applicable	Nitrate (as N)	10000	50000	---	Yes
Not Applicable	Ammonia (as N)	1.9 <sup>3</sup>	180	---	Yes

Table Notes:  
 1. The Maximum Effluent Concentration (MEC) or maximum background concentration (B) is the actual detected concentration unless it is preceded by "<", in which case the value shown is the minimum detection level as the analytical result was reported as not detected (ND).  
 2. RPA Results:  
     = Yes, if MEC > WQO/WQC, or B > WQO/WQC and MEC is detected;  
     = No, if MEC and B are < WQO/WQC or all effluent data are undetected;  
     = Undetermined (Ud)  
 3. Ammonia criteria are determined on a sliding scale based upon temperature and pH. The criterion represented in this table is based upon chronic exposure and a temperature of 20°C and pH of 7.0.

**4. WQBEL Calculations**

Final WQBELs have been determined using the methods described in Section 1.4 of the SIP.

**Step 1:** To calculate the effluent limits, an effluent concentration allowance (ECA) is calculated for each pollutant found to have reasonable potential using the following equation, which takes into account dilution and background concentrations:

$ECA = C + D (C - B)$ , where

- C = the applicable water quality criterion (adjusted for effluent hardness and expressed as the total recoverable metal, if necessary)
- D = dilution credit (here D= 0, as the discharge does not qualify for a dilution credit)
- B = background concentration

Here, no credit for dilution is allowed, which results in the ECA being equal to the applicable criterion (ECA = C).

**Step 2:** For each ECA based on an aquatic life criterion/objective (copper), the long term average discharge condition (LTA) is determined by multiplying the ECA by a factor (multiplier), which adjusts the ECA to account for effluent variability. The multiplier depends on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for the multipliers based on the values of the CV. When the data set contains less than 10 sample results (as for the Loleta WWTF), or when 80 percent or more of the data set is reported as non-detect (ND), the CV is set equal to 0.6. Derivation of the multipliers is presented in Section 1.4 of the SIP.

From Table 1 of the SIP, the ECA multipliers for calculating LTAs at the 99<sup>th</sup> percentile occurrence probability are 0.321 (acute multiplier) and 0.527 (chronic multiplier). The LTAs are determined as follows in Table F-11.

**Table F-5. Determination of Long Term Averages**

Pollutant	ECA		ECA Multiplier		LTA (µg/L)	
	Acute	Chronic	Acute	Chronic	Acute	Chronic
<b>Copper</b>	54	27	0.32	0.53	15.74	17.08

**Step 3:** WQBELs, including an average monthly effluent limitation (AMEL) and a maximum daily effluent limitation (MDEL) are calculated using the most limiting (lowest) LTA. The LTA is multiplied by a factor that accounts for averaging periods and exceedance frequencies of the effluent limitations, and for the AMEL, the effluent monitoring frequency. Here, the CV is set equal to 0.6, and the sampling frequency is set equal to 4 (n = 4). The 99<sup>th</sup> percentile occurrence probability was used to determine the MDEL multiplier and a 95<sup>th</sup> percentile occurrence probability was used to determine the AMEL multiplier. From Table 2 of the SIP, the MDEL multiplier is 3.11, and the AMEL multiplier is 1.55. Final WQBELs for copper is determined as follows.

**Table F-6. Determination of Final WQBELs Based on Aquatic Life Criteria**

Pollutant	LTA (µg/L)	MDEL Multiplier	AMEL Multiplier	MDEL (µg/L)	AMEL (µg/L)
<b>Copper</b>	17.35	3.11	1.55	54	27

Final effluent limits presented above for copper are based on a effluent hardness of 122 mg/L.

**Step 4:** When the most stringent water quality criterion/objective is a human health criterion/objective (as for carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate), the AMEL is set equal to the ECA. From Table 2 of the SIP, when CV = 0.6 and n = 4, the MDEL multiplier at the 99<sup>th</sup> percentile occurrence probability equals 3.11, and the AMEL multiplier at the 95<sup>th</sup> percentile occurrence probability equals 1.55. The MDEL for protection of human health is calculated by multiplying the ECA by the ratio of the MDEL multiplier to the AMEL multiplier. Final WQBELs for carbon tetrachloride, chlorodibromomethane, dichlorobromomethane, and nitrate are determined as follows.

**Table F-7. Determination Final WQBELs Based on Human Health Criteria,**

Pollutant	ECA (µg/L)	MDEL/AMEL	MDEL (µg/L)	AMEL (µg/L)
Carbon Tetrachloride	0.25	2.01	0.50	0.25
Chlorodibromomethane	0.40	2.01	0.80	0.40
Dichlorobromomethane	0.56	2.01	1.12	0.56
Nitrate	10	2.01	20	10

A summary of WQBELs established by the Order is given in the table below.

**Table F-8. Summary of Water Quality-Based Effluent Limitations**

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper	µg/L	27	54
Carbon Tetrachloride	µg/L	0.25	0.50
Chlorodibromomethane	µg/L	0.40	0.80
Dichlorobromomethane	µg/L	0.56	1.12
Nitrate	mg/L	10	20

**5. Whole Effluent Toxicity (WET)**

Effluent limitations for whole effluent, acute and chronic toxicity, protect the receiving water from the aggregate effect of a mixture of pollutants that may be present in effluent. There are two types of WET tests – acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic test is conducted over a longer period of time and may measure mortality, reproduction, and/or growth.

WET requirements are derived from the CWA and the Basin Plan. The Basin Plan establishes a narrative water quality objective for toxicity that states “All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, or aquatic life.” Detrimental responses may include, but are not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. For compliance with the Basin Plan’s narrative toxicity objective, this Order requires the Permittee to conduct WET testing for acute and chronic toxicity, as specified in the MRP (Attachment E, section V).

**a. Acute Aquatic Toxicity**

Consistent with WDRs Order No. R1-2008-0001, this Order includes an effluent limitation for acute toxicity in accordance with the Basin Plan, which requires that the average survival of test organisms in undiluted effluent for any three consecutive 96-hour bioassay tests be at least 90 percent, with no single test having less than 70 percent survival.

The Order also implements federal guidelines (Regions 9 and 10 Guidelines for Implementing Whole Effluent Toxicity Testing Programs) by requiring Permittees to conduct acute toxicity tests on a fish species and on an

invertebrate to determine the most sensitive species. According to the USEPA manual, *Methods for Estimating the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA/600/4-90/-27F), the acceptable vertebrate species for the acute toxicity test are the fathead minnow, *Pimephales promelas* and the rainbow trout, *Oncorhynchus mykiss*. The acceptable invertebrate species for the acute toxicity test are the water flea, *Ceriodaphnia dubia*, *Daphnia magna*, and *D. pulex*. The Permittee tests its effluent for acute toxicity using the rainbow trout, *Oncorhynchus mykiss*. The Permittee consistently maintained compliance with the acute toxicity limitations during the term of the previous permit. All acute toxicity testing results during the term of the previous permit were 100 percent survival.

**b. Chronic Aquatic Toxicity**

The SIP requires the use of short-term chronic toxicity tests to determine compliance with the narrative toxicity objectives for aquatic life in the Basin Plan. The SIP requires that the Permittee demonstrate the presence or absence of chronic toxicity using tests on the fathead minnow, *Pimephales promelas*, the water flea, *Ceriodaphnia dubia*, and the freshwater alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*). Attachment E of this Order requires annual chronic WET monitoring to demonstrate compliance with the narrative toxicity objective.

The Permittee conducted chronic toxicity testing during the term of the previous permit. The Permittee’s chronic toxicity monitoring results are summarized in Table F-9, below:

**Table F-9. Whole Effluent Chronic Toxicity Monitoring Results**

Date	<i>Selenastrum capricornutum</i>				<i>Ceriodaphnia dubia</i>				<i>Pimaphales promelas</i>			
	Growth				Survival		Reproduction		Survival		Growth	
	IC25	TUc	NOEC	TUc	NOEC	TUc	NOEC	TUc	NOEC	TUc	NOEC	TUc
2/12/08	---	---	---	---	>100	<1	100	<1	---	---	---	---
1/12/09	>100	<1	100	<1	>100	<1	100	<1	>100	<1	100	<1
4/27/09	77.5	1.3	25	4.0	>100	<1	95.1	1.2	>100	<1	100	<1
2/8/10	>100	<1	100	<1	>100	<1	100	<1	>100	<1	100	<1
12/13/10	>100	<1	100	<1	---	---	---	---	---	---	---	---
4/5/11	>100	<1	100	<1	---	---	---	---	---	---	---	---
4/16/12	>100	<1	100	<1	---	---	---	---	---	---	---	---
12/17/12	65.2	1.5	50	2	---	---	---	---	---	---	---	---
4/15/13	---	---	---	---	>100	<1	75	1.3	---	---	---	---

**c. Ammonia-Related Toxicity**

The chronic toxicity test shall be conducted without modifications to eliminate ammonia toxicity. Ammonia toxicity in water is due mostly to its unionized fraction which is primarily a function of the temperature and the pH of the water being tested. As the pH and temperature increase so does the toxicity of a given concentration of ammonia. In static WET tests, the pH in the test concentrations often increases (drifts) due to the loss of carbon dioxide (CO<sub>2</sub>) from the test concentrations as the test

chambers are incubated over the test period. This upward drift results in pH values in the test concentrations that often exceed those pH values that could reasonably be expected to be found in the effluent or in the mixing zone under ambient conditions. Unionized ammonia toxicity caused by pH drift is considered to be an artifact of test conditions and is not a true measure of the ammonia toxicity likely to occur as the discharge enters the receiving waters. In order to reduce the occurrence of artifactual unionized ammonia toxicity, it may be necessary to control the pH in toxicity tests, provided the control of pH is done in a manner that has the least influence on the test water chemistry and on the toxicity of other pH sensitive materials such as some heavy metals, sulfide and cyanide. This Order authorizes the use of pH control procedures where the procedures are consistent with USEPA methods and do not significantly alter the test water chemistry so as to mask other sources of toxicity.

#### **D. Final Effluent Limitation Considerations**

##### **1. Anti-Backsliding Requirements**

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. 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. With the exception of chronic toxicity limitations and mass-based limitations for BOD and TSS, all effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

The relaxation of toxicity limitations is governed by CWA section 402 (o)(B)(ii) which provides that relaxations in effluent limitations are permitted where “the Administrator determines that...mistaken interpretations of law were made in issuing the permit...”. Chronic toxicity effluent limitations included in Order No. R1-2008-0001, were not consistent with the SIP, which implements narrative toxicity objectives in Basin Plans and specifies use of a numeric trigger for accelerated monitoring and implementation of a Toxicity Reduction Evaluation (TRE) in the event that persistent toxicity is detected. 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 that contained numeric chronic toxicity effluent limitations. To address the petition, the State Water Board adopted WQO 2003-0012 directing its staff to revise the toxicity control provisions in the SIP. The State Water Board states the following in WQO 2003-012, *“In 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 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 at this time. The SIP revision may require a permit modification to incorporate new statewide toxicity criteria established by the upcoming SIP revision.

However, the State Water Board found in WQO-2003-012 that, while it is not appropriate to include final numeric effluent limitations for chronic toxicity in NPDES permits for POTWs, permits must contain a narrative effluent limitation, numeric benchmarks for triggering accelerated monitoring, rigorous Toxicity Reduction Evaluation (TRE)/Toxicity Identification Evaluation (TIE) conditions, and a reopener to establish numeric effluent limitations for either chronic toxicity or the chemical(s) causing toxicity. This Order includes a reopener that allows the Regional Water Board to reopen the permit and include a numeric chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE.

To ensure compliance with the narrative effluent limitation and the Basin Plan's narrative toxicity objective, the Permittee is required to conduct annual chronic WET effluent testing, as specified in the Monitoring and Reporting Program (Attachment E, section V). Furthermore, Special Provision IV.C.2.a of this Order requires the Permittee 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 Permittee is required to initiate a Toxicity Reduction Evaluation (TRE) in accordance with an approved TRE workplan. The numeric toxicity monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Permittee 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.

Section V.B.9 of the MRP defines the chronic toxicity monitoring trigger as 1.6 TUc as a single sample result or 1.0 TUc as a monthly median and section V.C.1.g of the MRP requires TUc to be calculated as 100/NOEC for purposes of determining if the Permittee's effluent exceeds the chronic toxicity monitoring trigger. Although the federal requirements may provide for flexibility in determining how to calculate TUc for compliance purposes (e.g., 100/NOEC, 100/IC25, 100/EC25), USEPA Region 9 recommends that effluent limitations and triggers be based on the no observed effect concentration (NOEC) when the permit language and chronic toxicity testing methods incorporate important safeguards that improve the reliability of the NOEC. These safeguards include the use of a dilution series (testing of a series of effluent concentrations) to verify and quantify a dose-response relationship and a requirement to evaluate specific performance criteria in order to determine the sensitivity of each chronic toxicity test. The goal is to demonstrate that each test is sensitive enough to determine whether or not the effluent is toxic or not.

The use of 100/IC25 or 100/EC25 as methods for calculating chronic toxicity are point estimates that automatically allow for a 25 percent effect before calling an effluent toxic. The Basin Plan has a narrative objective for toxicity that requires that *"all waters be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life."* Allowance of a possible 25 percent effect would not meet the Basin Plan's narrative toxicity requirement. In addition, California has historically used the NOEC to regulate chronic toxicity for ocean discharges, thus it is fitting that the same method be used to regulate chronic toxicity in inland surface water discharges.

Because no dilution has been granted for the chronic condition, chronic toxicity testing results exceeding 1.6 TUc as a single sample result and 1.0 TUc as a monthly median demonstrates that the discharge is in violation of the narrative toxicity water quality objective.

If any future accelerated sampling of the discharge demonstrates a pattern of toxicity exceeding the chronic toxicity trigger, the permit requires the Permittee to initiate a Toxicity Reduction Evaluation (TRE), in accordance with an approved TRE work plan to determine whether the discharge is contributing chronic toxicity to the receiving water. Special Provision VI.C.2.a.ii of the Order requires the Permittee to maintain the TRE Work Plan to ensure the Permittee 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.

Chronic WET limitations may be established if future monitoring results demonstrate that discharges from the Facility are causing or contributing to chronic toxicity in the receiving water. However, based upon current interpretation of the regulations, this relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

The mass-based effluent limitations for BOD and suspended solids included in this Order have been modified to be numerically higher than those included in the Permittee's previous Permit. This permit change should have become effective during the term of Order No. R1-2008-0001 as reflected in the Fact Sheet of that Order. However, in error, the numeric change was not reflected in section IV of the Order. This Order correctly reflects the final mass-based effluent limitation for BOD and TSS. This relaxation of the limitations is governed by 40 C.F.R. section 122.44(l)(1), which provides that relaxations in effluent limitations are permitted where the circumstances justifying permit modification under 40 C.F.R. section 122.62 are present. Among the several enumerated grounds is that, as provided in section 122.62(a)(2), a modification is needed based on new information made available "that was not available at the time of permit issuance... and would have justified the application of different permit conditions at the time of issuance." Pursuant to 40 C.F.R. section 122.45(b), effluent limitations for POTWs are derived for the design flow of the facility. Mass-based effluent limitations in the previous Permit were calculated based on a design flow of 0.1 MGD, but did not take into account peak wet weather flows. The Permittee reports an average wet weather design flow of 0.143 MGD. Based on this new information, this Order correctly calculates mass-based effluent limitations applicable during periods of wet weather flow based on wet weather design flows of 0.143 MGD. Mass-based effluent limitations are to be calculated using the following formula:  $8.34 \times Q \times C$ , where Q is the flow measured on the day of weekly sampling, C is the weekly concentration-based effluent limitation, and 8.34 is a conversion factor. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

## **2. Antidegradation Policies**

Provisions of the Order are consistent with applicable anti-degradation policy expressed by NPDES regulations at 40 C.F.R. section 131.12 and by State Water Board Resolution No. 68-16. The activities allowed in accordance with these waste discharge requirements apply to an existing facility and although mass limitations have been altered to more accurately reflect the facility design flow, it is not anticipated that this change will result in an increased volume or concentration of waste beyond that which was permitted to discharge in accordance with the previous Order. Further, this Order permits only those discharges of waste that have received complete secondary treatment. Discharges from the Facility will be required to maintain protection of the beneficial uses of the receiving water and comply

with applicable provisions of the Basin Plan. Limitations and conditions of the Order assure protection and maintenance of the existing quality of receiving waters.

### **3. 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 and TSS. Restrictions on these pollutants are discussed in sections IV.B.2 and IV.D of the Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements applicable to both the existing and new WWTFs. In addition, this Order contains effluent limitations for chlorine residual, pH, total coliform bacteria, settleable solids, total nitrogen, nitrate, ammonia, and several toxic pollutants that are more stringent than the minimum, federal technology-based requirements but are necessary to meet water quality standards. These requirements are discussed in section IV.C.3 of the Fact Sheet.

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 section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. Most 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 CWA" pursuant to section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order (specifically the addition of the beneficial use of Native American Culture (CUL) and the General Objective regarding antidegradation) were approved by USEPA on March 4, 2005, and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

#### **E. Interim Effluent Limitations**

The Order does not establish interim effluent limitations or schedules for compliance with final limitations.

#### **F. Recycling Specifications**

The Order does not establish recycling specifications.

## **V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

### **A. Surface Water**

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 [Water] 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, bacteria, chemical constituents, color, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, sediment, settleable material, suspended material, tastes and odors, temperature, toxicity, and turbidity.

## **B. Groundwater**

1. The beneficial uses of the underlying ground water are municipal and domestic supply, industrial service supply, industrial process supply, agricultural supply, and freshwater replenishment to surface waters.
2. Groundwater limitations are required to protect the beneficial uses of the underlying groundwater.
3. Discharges from the Permittee's Facility shall not cause exceedance of applicable water quality objectives or create adverse impacts to beneficial uses of groundwater.
4. The Basin Plan requires that waters designated for use as MUN shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, title 22, Division 4, Chapter 15, Article 4.1, Section 64435, and article 5.5, Section 64444, and listed in Table 3-2 of the Basin Plan.

## **VI. RATIONALE FOR PROVISIONS**

### **A. Standard Provisions**

#### **1. Federal 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 Permittee 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 Permittee. The rationale for the special provisions contained in the Order is provided in section VII.B, below.

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 section 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).

#### **2. Regional Water Board Standard Provisions**

In addition to the Federal Standard Provisions (Attachment D), the Permittee shall comply with the Regional Water Board Standard Provisions provided in Standard Provisions VI.A.2.

- a. Order Provision VI.A.2.a identifies the State's enforcement authority under the Water Code, which is more stringent than the enforcement authority specified in the federal regulations (e.g., sections 122.41(j)(5) and (k)(2)).

- b. Order Provision VI.A.2.b requires the Permittee to notify Regional Water Board staff, orally and in writing, in the event that the Permittee does not comply or will be unable to comply with any Order requirement. This provision requires the Permittee to make direct contact with a Regional Water Board staff person. This Provision implements federal requirements at section 122.41(I)(6) and (7) for notification of noncompliance and spill reporting.

## B. Special Provisions

### 1. Reopener Provisions

- a. **Standard Revisions (Special Provision VI.C.1.a).** Conditions that necessitate a major modification of a permit are described in section 122.62, which include the following:
  - i. When standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision. Therefore, if revisions of applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such revised 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.
- b. **Reasonable Potential (Special Provision VI.C.1.b).** This provision allows the Regional Water Board to modify, or revoke and reissue, this Order if present or future investigations demonstrate that the Permittee governed by this Permit is causing or contributing to excursions above any applicable priority pollutant criterion or objective, or adversely impacting water quality and/or the beneficial uses of receiving waters.
- c. **Whole Effluent Toxicity (Special Provision VI.C.1.c).** This Order requires the Permittee to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity through a 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.
- d. **303(d)-Listed Pollutants (Special Provision VI.C.1.d).** This provision allows the Regional Water Board to reopen this Order to modify existing effluent limitations or add effluent limitations for pollutants that are the subject of any future TMDL action.
- e. **Water Effects Ratios (WERs) and Metal Translators (Special Provision VI.C.1.e).** This provision allows the Regional Water Board to reopen this Order if future studies undertaken by the Permittee provide new information and justification for applying a water effects ratio or metal translator to a water quality objective for one or more priority pollutants.

### 2. Special Studies and Additional Monitoring Requirements

- a. **Toxicity Reduction Requirements (Special Provision VI.C.2.a).** The SIP requires the use of short-term chronic toxicity tests to determine compliance with the narrative toxicity objectives for aquatic life in the Basin Plan. Attachment E of this Order requires acute and

chronic toxicity monitoring for demonstration of compliance with the narrative toxicity objective.

In addition to WET monitoring, this provision requires the Permittee to maintain an up-to-date TRE Work Plan for approval by the Executive Officer, to ensure the Permittee 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 TRE is initiated by evidence of a pattern of toxicity demonstrated through the additional effluent monitoring obtained as a result of an accelerated monitoring program. The TRE may end if the Permittee can document that the failed toxicity test was the result of a temporary condition or plant upset (e.g., incomplete dechlorination, toxic chemical slug, etc.). In the absence of demonstrating a temporary condition or plant upset, the TRE may also end by demonstrating that less than 20% of the WET tests demonstrate toxicity.

### **3. Best Management Practices and Pollution Prevention**

- a. Pollutant Minimization Plan.** Provision VI.C.3.a is included in this Order as required by section 2.4.5 of the SIP. The Regional Water Board includes standard provisions in all NPDES permits requiring development of a Pollutant Minimization Program when there is evidence that a toxic pollutant is present in the effluent at a concentration greater than an applicable effluent limitation.

### **4. Construction, Operation, and Maintenance Specifications**

- a.** 40 CFR 122.41(e) requires proper operation and maintenance of permitted wastewater systems and related facilities to achieve compliance with permit conditions. An up-to-date operation and maintenance manual, as required by Provision VI.C.4.b of the Order, is an integral part of a well-operated and maintained facility.

### **5. Special Provisions for Municipal Facilities (POTWs Only)**

#### **a. Wastewater Collection Systems (Special Provision VI.C.5.a)**

- i. Statewide General WDRs for Sanitary Sewer Systems.** On May 2, 2006, the State Water Board adopted General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ (General Order). The General Order requires public agencies that own or operate sanitary sewer systems with greater than 1 mile of pipes or sewer lines to enroll for coverage under the General Order. The General Order requires agencies to develop sanitary sewer management plans (SSMPs) and report all SSOs, among other requirements and prohibitions. The Permittee has enrolled under the General Order as required.

On February 20, 2008, the State Water Board adopted Order No. WQ 2008-0002-EXEC Adopting Amended Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, to ensure adequate and timely notifications are made to the Regional Water Board and appropriate local, state, and federal authorities in case of sewage spills. Notification and reporting of SSOs is conducted in accordance with the requirements of Order Nos. 2006-0003-DWQ and WQ 2008-0002-EXEC, and any revisions thereto for operation of its wastewater collection system.

**ii. Source Control Program (Special Provision VI.C.5.b).**

Section 403.8(a) requires POTWs with a total design flow greater than 5 MGD and receiving pollutants which pass through or interfere with the operation of the POTW to establish a POTW Pretreatment Program. The Regional Water Board may also require that a POTW with a design flow of 5 MGD or less develop a POTW Pretreatment Program if the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference or pass through. The Permittee reports that there are no known industrial wastes subject to regulation under the NPDES Pretreatment Program being discharged to the Facility and the average dry weather design flow of the Facility is less than 5 MGD; therefore, the Order does not require the Permittee to develop a pretreatment program that conforms to federal regulations. However, in order to prevent interference with the POTW or pass through of pollutants to the receiving water, the Order requires the Permittee to implement a source control program and to monitor the influent for priority pollutants. If at any time, an industrial waste survey or influent monitoring indicate that a pretreatment program is necessary, pursuant to section 403.8(3), the Regional Water Board may reopen this permit to require the Permittee to develop a pretreatment program.

Water Code section 13263.3(d)(1) allows the Regional Water Board to require a discharger to complete and implement a pollution prevention plan if pollution prevention is necessary to achieve a water quality objective, to include, pursuant to Water Code section 13263.3(d)(3), an analysis of the methods that could be used to prevent the discharge of the pollutants into the POTW. These methods can include application of local limits to industrial or commercial dischargers, pollution prevention techniques, public education and outreach, or other innovative and alternative approaches to reduce discharges of pollutants to the POTW. This Order includes requirements for the Permittee to implement a source identification and reduction program under specific circumstances.

A key component of an effective source control program is the identification and location of possible industrial users within the POTW's wastewater collection system. This information is typically obtained by the POTW through industrial waste surveys. The following types of resources can be consulted in compiling a master list of industrial users:

- a. Water and sewer billing records
- b. Applications for sewer service
- c. Local telephone directories
- d. Chamber of Commerce and local business directories
- e. Business license records
- f. POTW and wastewater collection personnel and field observations
- g. Business associations
- h. The internet
- i. Industrial and non-residential sewer use permit records

In addition, the Regional Water Board recognizes that some form of source control is prudent to ensure the efficient operation of the Facility, the safety of Facility staff, and to ensure that pollutants do not pass through the treatment Facility to impair the beneficial uses of the receiving water.

- iii. **Sludge Disposal and Handling Requirements (Special Provision VI.C.5.c).** The disposal or reuse of wastewater treatment screenings, sludges, or other solids removed from the liquid waste stream is regulated by 40 CFR Parts 257, 258, 501, and 503, and the State Water Board promulgated provisions of title 27 of the CCR. The Permittee has indicated that all screenings, sludges, and solids removed from the liquid waste stream are currently disposed of off-site at a permitted point of disposal (typically a municipal solid waste landfill) in accordance with all applicable regulations. See Fact Sheet section II.A for more detail.
- iv. **Statewide General WDRs for Discharge of Biosolids to Land (Special Provision VI.C.5.d).** This provision requires the Permittee to comply with the State's regulations relating to the discharge of biosolids to the land. The discharge of biosolids through land application is not regulated under this Order. The Permittee is required to obtain coverage under the State Water Board Order No. 2004-0012-DWQ, General Waste Discharge Requirements for the Discharge of Biosolids to Land as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities (General Order). Coverage under the General Order, as opposed to coverage under this NPDES permit or individual WDRs, implements a consistent statewide approach to regulating this waste discharge.
- v. **Operator Certification (Special Provision VI.C.5.e).** This provision requires the Facility to be operated by supervisors and operators who are certified as required by title 23, section 3680 of the CCR.
- vi. **Adequate Capacity (Special Provision VI.C.5.f).** The goal of this provision is to ensure appropriate and timely planning by the Permittee to ensure adequate capacity for the protection of public health and water quality.

## 6. Other Special Provisions

- a. **Storm Water (Special Provision VI.C.6.a).** This provision requires the Discharger, if applicable, to comply with the State's regulations relating to industrial stormwater activities. Currently, the Discharge is exempted from these requirements based on a WWTF flow of less than 1.0 mgd.

## 7. Compliance Schedules

This Order does not establish interim effluent limitations or schedules of compliance for final numeric effluent limitations.

## VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 C.F.R. requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Board Name to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E, establishes monitoring and reporting requirements that 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**

Influent monitoring requirements for flow, BOD5, and TSS are retained from the previous permit, and are necessary to determine compliance with the percent removal requirements for these parameters.

**B. Effluent Monitoring**

Pursuant to the requirements of 40 C.F.R. 122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations.

Effluent monitoring requirements are necessary to determine compliance with prohibitions and/or effluent limitations established by this Order. Effluent monitoring is necessary to demonstrate compliance with technology-based effluent limitations and WQBELs, and demonstrate whether or not the discharge poses reasonable potential for a pollutant to exceed any numeric or narrative water quality objectives.

**C. Whole Effluent Toxicity Testing Requirements**

Whole effluent toxicity (WET) limitations and monitoring requirements are retained from the previous Order and are included in the new Order to protect the receiving water quality from the aggregate effect of a mixture of pollutants in the effluent. Acute toxicity testing measures mortality in 100 percent effluent over a short test period and chronic toxicity testing is conducted over a longer time period and may measure mortality, reproduction, and/or growth. Changes to monitoring and reporting requirements related to toxicity are identified in sections VI.B.3 and VI.B.4, above.

**D. Receiving Water Monitoring**

**1. Surface Water**

Receiving water monitoring is required to demonstrate compliance with the Receiving Water Limitations. Monitoring requirements for flow, pH, dissolved oxygen, temperature, specific conductance, total dissolved solids, turbidity, CTR priority pollutants, and hardness have been retained from the previous permit.

**2. Groundwater**

This Order does not authorize discharges to groundwater. Therefore no groundwater monitoring is required.

**E. Other Monitoring Requirements**

Internal monitoring at the end of the chlorine contact basin is required to measure chlorine residual in lieu of daily coliform monitoring to assure adequate disinfection on a daily basis.

**VIII. PUBLIC PARTICIPATION**

The California Regional Water Quality Control Board, North Coast 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 the Loleta Community Services District Wastewater Treatment Facility. 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 Name notified the Permittee and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided through the following posting on the Regional Water Board’s Internet site at:

[http://www.waterboards.ca.gov/northcoast/public\\_notices/public\\_hearings/npdes\\_permits\\_and\\_wdrs.shtml](http://www.waterboards.ca.gov/northcoast/public_notices/public_hearings/npdes_permits_and_wdrs.shtml)

**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 must be received at the Regional Water Board offices by 5:00 p.m. on **March 17, 2014**.

**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: May 8, 2014  
Time: 8:30 a.m. or as announced in the Regional Water Board’s agenda  
Location: River Lodge Conference Center, 1800 Riverwalk Dr., Fortuna, CA

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.

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

**D. Waste Discharge Requirements Petitions**

Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and title 23, section 2050 of the CCR. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider the Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner’s legal rights. If the Permittee chooses to request reconsideration of this Order or file a petition with the State Water Board, the Permittee must comply with the Order while the request for reconsideration and/or petition is being considered. 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

For instructions on how to file a petition for review, see  
[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)

**E. Information and Copying**

The Report of Waste Discharge (ROWD), 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 by calling (707) 576-2220.

**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 Lisa Bernard at [lisa.bernard@waterboards.ca.gov](mailto:lisa.bernard@waterboards.ca.gov) or (707) 576-2677.