

Proposed revisions to the tentative Order for the J.F. Shea Construction, Inc., dba Fawndale Rock and Asphalt NPDES permit.

October 25/26 Board Meeting

The following text replaces section VII of the tentative Order.

VII. COMPLIANCE DETERMINATION

Compliance determination logic

The receiving water limitations contained in this Order require that the regulated storm water discharges not cause the receiving water to exceed applicable water quality criteria or objectives. If background receiving water quality already exceeds applicable criteria or objectives, the regulated storm water discharges may not cause the receiving water quality to worsen. This Order does not, however, require the Discharger to improve the receiving water quality. It is recognized that a regulated storm water discharge is most appropriately compared to background water quality, not an absolute water quality criterion or objective. Therefore, compliance is determined by comparing the concentration of a particular pollutant at the upstream receiving water monitoring location, the downstream monitoring location, and in the regulated discharge. If the concentration of the downstream sample is greater than the receiving water limit, and the concentration of the downstream sample is greater than the concentration of the upstream sample, and the concentration of the effluent sample is greater than the concentration of the upstream sample, then the regulated effluent discharge is in violation.

Compliance with a secondary MCL

This Order contains receiving water limitation for some of the following pollutants, based on the indicated standards:

Pollutant	Water Quality Standard
aluminum	MCL (secondary)
arsenic	MCL (primary)
cadmium	Basin Plan max, CTR acute, CTR chronic
copper	Basin Plan max, CTR acute, CTR chronic
chromium (VI)	CTR acute, CTR chronic
iron	MCL (secondary)
lead	CTR acute, CTR chronic
manganese	MCL (secondary)
mercury	CTR human health
selenium	CTR acute, CTR chronic
sulfate	MCL (secondary)
zinc	Basin Plan max, CTR acute, CTR chronic

Some of the standards are the secondary MCLs. Discussions with the California Department of Public Health, Drinking Water Field Operations Division (formerly the Department of Health Services) have indicated that it is appropriate to apply the secondary MCLs for the pollutants listed above as an annual average. Therefore, compliance with the receiving water limitations for aluminum, iron, manganese, and sulfate, is determined by comparison of annual average concentrations against the secondary MCL numeric value.

Compliance with chronic criteria and objectives

The monitoring frequencies required by the monitoring and reporting program contained in this Order consider the feasibility, expense, and need for information. It is recognized that the required monitoring frequencies for the pollutants listed above will not provide enough data for a direct determination of whether or not a chronic water quality criterion or objective (generally 4-day averages) is being attained. Basin Plan maximum concentrations and CTR acute (generally 1-hour averages) concentrations can be directly compared against grab samples of the effluent and receiving water. Nonetheless, chronic water quality criteria and objectives are applicable, must be met, and are implemented by this Order. The Regional Water Board may conduct monitoring to determine if chronic water quality criteria and objectives are being met in the receiving water, but this Order does not require the Discharger to conduct such monitoring. The intermittent nature of storm water discharges makes violations of chronic criteria and objectives unlikely.