CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 2
TO
ORDER NO. 2000-011
NPDES NO. CA0107433

AN ADDENDUM TO REVISE
THE MONITORING AND REPORTING PROGRAM

FOR THE

CITY OF OCEANSIDE
DISCHARGE TO THE PACIFIC OCEAN
VIA THE OCEANSIDE OCEAN OUTFALL

SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The City of Oceanside (City) is authorized to discharge up to 21 million gallons per day (MGD) of undisinfected secondary effluent, treated at the San Luis Rey and La Salina Wastewater Treatment Plants, and waste brine, from the Brackish Water Desalination Plant, to the Pacific Ocean through the Oceanside Ocean Outfall (OOO). This discharge is subject to waste discharge requirements contained in Order No. 2000-011 (NPDES Permit No. CA0107433) which was adopted by the Regional Board on February 9, 2000.

2. The Fallbrook Public Utility District (FPUD) is authorized to discharge up to 2.7 MGD of tertiary effluent, treated at the FPUD Wastewater Treatment Plant No. 1, to the Pacific Ocean through the OOO. This discharge is subject to waste discharge requirements contained in Order No. 2000-012 (NPDES Permit No. CA0108031) which was adopted by the Regional Board on February 9, 2000.

3. The US Marine Corp Base Camp Pendleton (USMCBCP) is authorized to discharge up to 3.6 MGD of undisinfected secondary effluent, treated at USMBCP Wastewater Treatment Plant Nos. 1, 2, 3, and 13, to the Pacific Ocean through the (OOO). This discharge is subject to waste discharge requirements contained in Order No. R9-2003-0155 (NPDES Permit No. CA0109347) which was adopted by the Regional Board on August 13, 2003.

4. IDEC Pharmaceuticals Corporation (IDEC) is authorized to discharge up to 0.155 MGD of brine and other wastes associated with water softening and purification processes and other non-industrial maintenance-type activities, generated from the New IDEC Manufacturing Operations (NIMO) facility in Oceanside, to the Pacific Ocean through the OOO. This discharge is subject to waste discharge requirements contained in Order No. R9-2003-0140

(NPDES Permit No. CA0109193) which was adopted by the Regional Board on August 13, 2003. The discharge from NIMO is not expected to contain pathogens, and Order No. R9-2003-0140 does not include receiving water monitoring requirements for bacterial indicators.

5. Significant water-contact recreation, such as surfing and scuba diving, occurs year-round in ocean waters that may be impacted by the discharge from the OOO. A report dated May 8, 2000 from the County of San Diego Department of Environmental Health (DEH) entitled "Ocean Illness Survey Results, August 1997-December 1999" reported an estimated daily winter attendance of 3,500 at Oceanside City Beach in 1989-1990. Furthermore, shellfish harvesting at Agua Hedionda Lagoon, which may also be impacted by the discharge from the OOO, occurs year-round.

6. Order Nos. 2000-011, 2000-012, and R9-2003-0155 contain receiving water limitations and monitoring requirements for total and fecal coliform and enterococcus. Weekly monitoring for these bacterial indicators at surf zone monitoring stations within waters of the State that may be impacted by the discharge from the OOO is reasonable in order to protect water quality and the beneficial uses of these waters year-round.

7. Order Nos. 2000-011, 2000-012, and R9-2003-0155 contain fecal coliform and enterococcus receiving water limitations based on the geometric mean of at least five samples during any 30-day period. Weekly or more frequent monitoring results are necessary in order to determine compliance with these limitations.

8. In correspondence dated October 6, 2003, DEH recommends using its "Standard Operating Procedures (SOP) for the Collection of Water Samples for Bacterial Analysis from Ocean and Bay Receiving Waters" as the sampling protocol at surf zone monitoring stations to reflect conditions during all critical environmental periods and be most protective of public health. The SOP specifies the time of day and depth for water sampling to reduce the effects of bacterial die-off in determining the actual bacterial densities that may be encountered by beach users. The SOP would also make sampling procedures consistent at sampling stations along the San Diego County coastline to facilitate data comparison.

9. According to Section 13263(e) of the California Water Code, the Regional Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements.

10. The issuance of this Addendum is exempt from the requirements for preparation of environmental documents under the California Environmental Quality Act in accordance with Section 13389 of the Porter Cologne Water Quality Control Act.

11. This Regional Board has considered all environmental factors associated with the proposed and existing discharges.

12. This Regional Board has notified the City of Oceanside and all known interested parties of its intent to modify Order No. 2000-011 by revising the Receiving Water Monitoring Program of Order No. 2000-011.

13. This Regional Board, in a public hearing, heard and considered all comments pertaining to the modification of Order No. 2000-011.

IT IS HEREBY ORDERED THAT, Order No. 2000-011, NPDES Permit No. CA0107433, is modified as follows:

1. Receiving Water Monitoring Provision VI.A of the Monitoring and Reporting Program is superceded by the following:

   Surf zone monitoring is intended to assess bacteriological conditions in areas used for body-contact activities (e.g., swimming); and to assess aesthetic conditions for general recreational uses (e.g., picnicking).

   All "surf zone stations" shall be monitored as follows:

   1. *Grab samples shall be collected and analyzed for total and fecal coliforms, and enterococcus at a minimum frequency of once per week throughout the year with at least five samples collected within any 30-day period.*

   2. *Samples shall be collected in accordance with "Standard Operating Procedures for the Collection of Water Samples for Bacterial Analysis from Ocean and Bay Receiving Waters" developed by the County of San Diego Department of Environmental Health and incorporated herein by reference.*

   3. *At the same time samples are collected from "surf zone stations," the following information shall be recorded: observation of wind (direction and speed), weather (e.g., cloudy, sunny, or rainy), current (e.g., direction), and tidal conditions; observations of water color, discoloration, oil and grease, turbidity, odor, and materials of sewage origin in the water or on the beach; and water temperature (°C).*

I, John H. Robertus, Executive Officer, do certify that the foregoing is a full, true, and correct copy of Addendum No. 2 to Order No. 2000-011, adopted by the California Regional Water Quality Control Board, San Diego Region, on November 12, 2003.

JOHN H. ROBERTUS
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1 TO ORDER NO. 2000-11
AN ADDENDUM TO APPROVE SUBSTANTIAL MODIFICATIONS
TO THE PRETREATMENT PROGRAM FOR THE

CITY OF OCEANSIDE
SAN LUIS REY AND LA SALINA WASTEWATER TREATMENT PLANTS
FOR
DISCHARGE TO THE PACIFIC OCEAN
VIA THE OCEANSIDE OCEAN OUTFALL

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On February 9, 2000, this Regional Board adopted Order No. 2000-11, NPDES Permit No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, for Discharge to the Pacific Ocean Via the Oceanside Ocean Outfall. Order No. 2000-11 established requirements for a combined discharge of up to 21 million gallons per day of secondary treated effluent. Order No. 2000-11 contains an expiration date of February 9, 2005.

2. At a Pretreatment Compliance Inspection (PCI) inspection for the City of Oceanside on February 15, 2000, staff of the Regional Board determined that the pretreatment ordinance was deficient and needed to be revised to bring it into compliance with the federal pretreatment regulations pursuant to the federal Clean Water Act. Regulations. In the Pretreatment Compliance Inspection Report dated March 31, 2000, Regional Board staff requested that the City of Oceanside pretreatment staff develop the necessary revisions to the pretreatment ordinance to bring it into compliance with the federal pretreatment regulations. On June 7, 2000, the Oceanside City Council, at a public meeting, approved the necessary revisions to its pretreatment ordinance, Chapter 29 of the Oceanside City Code (Sewer Use Ordinance).

3. On June 26, 2000, the City of Oceanside submitted a letter (attached) to the Regional Board notifying us of its City Council approval of the revisions to its pretreatment ordinance. The revisions satisfy the federal regulations for pretreatment programs under 40CFR403.8(f)(4) and are considered to be substantial modifications to the City of Oceanside's approved pretreatment program under 40CFR403.18(b)(1).

4. The revisions to the pretreatment ordinance consist of the addition of new sections concerned with 1) the discharge of hazardous wastes, 2) the notification of a changed discharge, and 3) signatory requirements for industrial discharger reports including a certification statement which states that the person signing the report is aware of significant penalties for submitting false information. Also, existing sections of the pretreatment ordinance were revised to 1) require a minimum three year period for records retention, and 2) require publication in a local newspaper of the name(s) of industrial dischargers in significant noncompliance.

5. The modifications to the pretreatment ordinance require their incorporation into the NPDES permit in accordance with 40CFR403.18(b)(1)(iii) following approval by the Regional Board.

6. The issuance of this Addendum is exempt from the requirements for preparation of environmental documents under the California Environmental Quality Act in accordance with Section 13389 of the Clean Water Act.

7. The Regional Board has considered all environmental factors associated with the existing discharge.

8. The Regional Board has notified the City of Oceanside and all known interested parties of its intent to modify Order No. 2000-11 by revising its pretreatment requirement to make Chapter 29 of the Oceanside City Code compliant with the applicable pretreatment regulations and an enforceable condition of its waste discharge requirements.

9. The Regional Board, in a public hearing, heard and considered all comments pertaining to the modification of Order No. 2000-11.

IT IS HEREBY ORDERED THAT:

1. **Section D, Pretreatment Requirements, of Order No. 2000-11 is revised by replacing the first sentence of paragraph 2 of Section D with the following:**

   The discharger shall implement and enforce its approved Pretreatment Program, and all subsequent revisions, including the June 7, 2000 revisions to Chapter 29 of the Oceanside City Code, which are hereby made an enforceable condition of this Order.

I, John H. Robertus, Executive Officer, do certify that the foregoing is a full, true, and correct copy of Addendum No. 1 to Order No. 2000-11 adopted by the California Regional Water Quality Control Board, San Diego Region, on September 13, 2000.

JOHN H. ROBERTUS
Executive Officer
September 13, 2000

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 2000-11
NPDES NO. CA0107433

WASTE DISCHARGE REQUIREMENTS
FOR THE
CITY OF OCEANSIDE
SAN LUIS REY AND LA SALINA WASTEWATER TREATMENT PLANTS

DISCHARGE TO THE PACIFIC OCEAN
VIA THE OCEANSIDE OCEAN OUTFALL

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

ORDER NO. 2000-11
NPDES NO. CA0107433

WASTE DISCHARGE REQUIREMENTS FOR THE CITY OF OCEANSIDE SAN LUIS REY AND LA SALINA WASTEWATER TREATMENT PLANTS

DISCHARGE TO THE PACIFIC OCEAN VIA THE OCEANSIDE OCEAN OUTFALL

The California Regional Water Quality Control Board, San Diego Region (hereinafter referred to as Regional Board) finds that:

1. On January 23, 1984, this Regional Board adopted Order No. 84-02, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside, La Salina Wastewater Treatment Plant and San Luis Rey Wastewater Treatment Plant, San Diego County. Order No. 84-02, and Addenda Nos. 1, 2, and 3 thereto, established requirements for the combined discharge of up to 16.2 million gallons per day (MGallons/Day) of treated wastewater from the City of Oceanside La Salina Wastewater Treatment Plant and San Luis Rey Wastewater Treatment Plant to the Pacific Ocean through the Oceanside Ocean Outfall. Order No. 84-02 contained an expiration date of February 26, 1989.

2. On February 27, 1989, this Regional Board adopted Order No. 89-12, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside La Salina and San Luis Rey Water Pollution Control Facilities, Discharge Through The Oceanside Ocean Outfall, San Diego County. Order No. 89-12 established requirements for the combined discharge of up to 16.2 MGallons/Day of treated wastewater from the City of Oceanside La Salina Water Pollution Control Facility and San Luis Rey Water Pollution Control Facility to the Pacific Ocean through the Oceanside Ocean Outfall. Order No. 89-12 contained an expiration date of February 27, 1994.

3. Monitoring and Reporting Program No. 84-02 remained in effect with the adoption of Order No. 89-12, as no new monitoring and reporting program was issued with Order No. 89-12.

4. On December 19, 1994, the City of Oceanside submitted a request for an additional increase in combined authorized flowrate to allow for the discharge of up to 2.0

MGallons/Day of waste brine generated by the City of Oceanside Brackish Groundwater Desalinization Facility. Order No. 95-07 authorized an increase in combined flowrate from 16.2 to 18.2 MGallons/Day.

5. On February 9, 1995, this Regional Board adopted Order No. 95-07, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside Discharge to the Pacific Ocean Through the Oceanside Ocean Outfall. Order No. 95-07 established requirements for the combined discharge of up to 18.2 MGallons/Day of treated wastewater from the City of Oceanside La Salina Water Pollution Control Facility, the San Luis Rey Water Pollution Control Facility, and the Brackish Groundwater Desalinization Facility to the Pacific Ocean through the Oceanside Ocean Outfall. Order No. 95-07 contained an expiration date of February 9, 2000.

6. On June 8, 1995, this Regional Board adopted Technical Change Order No. 1 to Monitoring and Reporting Program No. 95-07 for the City of Oceanside Discharge Through the Oceanside Ocean Outfall, which became effective on July 1, 1995.

7. On August 6, 1999, the City of Oceanside submitted an application for the renewal of its NPDES permit pursuant to Reporting Requirement No. E.1 of Order No. 95-07. Upon adoption, this Order will supercede Order No. 95-07 and will serve as the renewal of Order No. 95-07 after its expiration on February 9, 2000.

8. The City of Oceanside provides for the collection, treatment, and disposal of wastewater generated in the City of Oceanside. The City of Oceanside also provides for the conveyance, treatment and disposal of wastewater generated in the Rainbow Municipal Water District and a portion of the City of Vista. The Rainbow Municipal Water District owns 1 MGallons/Day of the City of Oceanside's treatment capacity, and is responsible for its collection system up to the point where it connects with the Oceanside sewer system. To reduce pumping costs, the City of Oceanside has an agreement with the City of Vista for the exchange, treatment, and disposal of equal volumes of nonindustrial wastewater generated in the respective service areas.

9. The City of Oceanside owns and operates two wastewater treatment plants. The entire service area of the La Salina Wastewater Treatment Plant is located in the City of Oceanside. The service area of the San Luis Rey Wastewater Treatment Plant consists of a portion of the City of Oceanside, the Rainbow Municipal Water District, and a portion of the City of Vista.

10. The La Salina Wastewater Treatment Plant is located at 1330 South Tait in the City of Oceanside, adjacent to the mouth of Loma Alta Creek.

11. Wastewater treatment unit operations and processes at the La Salina Wastewater Treatment Plant consist of preliminary treatment by mechanical bar screening, flow equalization, aerated grit removal, primary sedimentation, and biological treatment using activated sludge followed by secondary clarification. Treated wastewater is discharged to the Pacific Ocean through the Oceanside Ocean Outfall (OOO). Sludge is thickened by

dissolved air floatation, anaerobically digested, and mechanically dewatered via belt filter press. Final sludge disposal is currently by land disposal or land application.

12. The secondary treatment design capacity of the La Salina Wastewater Treatment Plant is 5.5 MGallons/Day. The City of Oceanside 1998 annual monitoring report indicated that the average flowrate discharged from this facility through the OOO during calendar-year 1998 was 3.7 MGallons/Day, representing 67% of the facility's design capacity.

13. The San Luis Rey Wastewater Treatment Plant is located at 3950 North River Road in the City of Oceanside, north of the San Luis Rey River.

14. Wastewater treatment unit operations and processes at the San Luis Rey Wastewater Treatment Plant consist of preliminary treatment by mechanical bar screening, flow equalization, aerated grit removal, primary sedimentation, and biological treatment using activated sludge followed by secondary clarification. Treated wastewater is discharged through the OOO via the Oceanside Land Outfall (OLO), which connects the San Luis Rey Wastewater Treatment Plant with the Oceanside Ocean Outfall. Sludge is thickened by dissolved air flotation, anaerobically digested, and mechanically dewatered via belt filter press. Final sludge disposal is currently by land application or land disposal.

15. The secondary treatment design capacity of the San Luis Rey Wastewater Treatment Plant is 10.7 MGallons/Day. The City of Oceanside 1998 annual monitoring report indicated that the average flowrate discharged from this facility through the OOO during calendar-year 1998 was 9.3 MGallons/Day, representing 87% of the facility's design capacity.

16. The City of Oceanside's August 5, 1999 renewal application included a request for an increase in combined authorized flowrate from 18.2 MGallons/Day to 21 MGallons/Day to allow for the additional discharge from the planned San Luis Rey Wastewater Treatment Facility expansion. The design of the upgrade and expansion of the secondary treatment design capacity from 10.7 MGallons/Day to 13.5 MGallons/Day is scheduled to be completed in early 2000. Construction of the upgrade and expansion of the facility is scheduled to begin in the summer of 2000. Upon certified completion of the San Luis Rey Wastewater Treatment Facility expansion, this Order authorizes an increase in the combined average dry weather flowrate from 18.2 MGallons/Day to 21 MGallons/Day of secondarily treated effluent from the La Salina and San Luis Rey Wastewater Treatment Facilities, and the waste brine discharge from the Brackish Groundwater Desalinization Facility, to the Pacific Ocean via the Oceanside Ocean Outfall. Certification shall be provided in accordance with Provision No. F.17 of this Order.

17. The San Luis Rey Waste Water Treatment Plant has a 0.7 MGallons/Day tertiary treatment facility used for the reclamation of wastewater for beneficial use. The discharge of reclaimed water for beneficial use is regulated by this Regional Board's Order No. 93-07, Waste Discharge Requirements for the San Luis Rey Wastewater Treatment Plant, City of Oceanside, San Diego County.

18. The Brackish Groundwater Desalinization Facility is located northwest of the intersection of Fireside Street and Heritage Street. The facility extracts groundwater from the Mission Hydrologic Subarea (HSA) (3.11) and provides treatment consisting of pH adjustment, filtration, and demineralization by reverse osmosis. The waste brines generated are discharged directly to the OOO via the OLO.

19. The City of Oceanside's Report of Waste Discharge, dated August 5, 1999, reported a proposed expansion of the Brackish Groundwater Desalinization Facility that would increase its potable water generating capacity from 6.0 MGallons/Day to 6.37 MGallons/Day. The expansion / upgrade of the facility will involve an increase in the reverse osmosis treatment capacity from 6 to 6.37 MGallons/Day, installing iron and manganese treatment facilities, and connecting additional Mission Basin HSA (3.11) groundwater wells to the facility. An increase in the permitted flowrate for waste brine (see Finding No. 4) was not requested. This permit, therefore, recognizes the production of up to 6.37 MGallons/Day of demineralized water to be blended into the City's potable water distribution system.

20. The City of Oceanside has a contract with the Fallbrook Public Utility District (FPUD) for the discharge of an average annual flowrate of 2.4 MGallons/Day of treated wastewater from the FPUD through the OOO, which is owned by the City of Oceanside, via the Fallbrook Land Outfall (FLO) and the OLO. The discharge from the FPUD is regulated by a separate NPDES permit, Order No. 95-08 (NPDES No. CA0108031), which is scheduled for renewal on February 9, 2000 as Order No. 2000-12.

21. The OOO extends southwesterly from the mouth of Loma Alta Creek in the City of Oceanside. The inshore end of the diffuser is located approximately 8,050 feet offshore at a depth of approximately 102 feet. The diffuser, which is collinear with the rest of the outfall, is approximately 230 feet long and extends to a depth of approximately 108 feet. The terminus of the diffuser is located at Latitude 33° 09' 46" North, Longitude 117° 23' 28" West.

22. The design capacity of the OOO is 30 MGallons/Day (average daily flow), with a maximum rated peak-day capacity of 45 MGallons/Day. Based on characteristics of the OOO, State Water Resources Control Board (SWRCB) staff has determined the minimum initial dilution for the OOO to be 82, using the computer model UMERGE. This determination was based in part on the following characteristics of the ocean outfall diffuser system.

Outfall Characteristic	Value
Outfall Flowrate	21.3 MGallons/Day*
Length of Diffuser	230 Feet
Number of Ports	24
Port Spacing	10 Feet

Outfall Characteristic	Value
Port Diameters	Ten 4" Ports and Fourteen 5" Ports
Port Angle From Horizontal (horizontal = 0°, vertical = 90°)	0°
Average Port Depth	100 Feet

* 18.2 MGallons/Day from the La Salina and San Luis Rey Wastewater Treatment Plants and Brackish Groundwater Desalinization Facility, and 3.1 MGallons/Day from Fallbrook Public Utility District Treatment Plant Nos. 1 and 2

23. The SWRCB adopted a revised Water Quality Control Plan for Ocean Waters of California (California Ocean Plan) on July 23, 1997. The Ocean Plan identifies the following beneficial uses of state ocean waters to be protected:

a. Industrial water supply
b. Navigation
c. Water contact recreation
d. Non-contact water recreation
e. Ocean commercial and sport fishing
f. Preservation and enhancement of Areas of Special Biological Significance
g. Preservation of rare and endangered species
h. Marine habitat
i. Mariculture
j. Fish migration
k. Fish spawning
l. Shellfish harvesting
m. Aesthetic enjoyment

In order to protect these beneficial uses, the Ocean Plan establishes water quality objectives (for bacterial, physical, chemical, and biological characteristics, and for radioactivity), general requirements for management of waste discharge to the ocean, quality requirements for waste discharges (effluent water quality requirements), discharge prohibitions, and general provisions.

24. The Comprehensive Water Quality Control Plan Report, San Diego Basin (9), (Basin

Plan) was adopted by this Regional Board on March 17, 1975 and subsequently approved by the SWRCB. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the SWRCB. At the time of preparation of this Order, the most recent revisions to the Basin Plan were dated September 8, 1994.

25. The Basin Plan identifies the following beneficial uses of state ocean waters to be protected:

a. Industrial service supply

b. Navigation

c. Water contact recreation

d. Non-contact water recreation

e. Ocean commercial and sport fishing

f. Preservation of Areas of Special Biological Significance (ASBS)

g. Preservation of rare and endangered species

h. Marine habitat

i. Mariculture

j. Fish migration

k. Fish spawning

l. Shellfish harvesting

m. Wildlife habitat

The Basin Plan relies primarily on the requirements of the Ocean Plan for protection of these beneficial uses. The Basin Plan, however, establishes additional water quality objectives for dissolved oxygen and pH.

26. The 1997 Ocean Plan states that, "Water shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in that area."

27. Oceanside Artificial Fishing Reef No. 1, described in the California Department of Fish and Game Guide to Artificial Reefs of Southern California, is located approximately 6,000 feet north of the inshore end of the OOO diffuser at Latitude 33° 10' 57" North, Longitude 117° 25' 00" West.

28. Receiving Water Limitation No. C.1.a. (2) of this Order establishes bacterial objectives for areas where shellfish may be harvested for human consumption, as determined by the Regional Board. As of the date of adoption of this Order, however, this Regional Board has not designated any shellfish harvesting area. If and when this Regional Board, in consultation with the Department of Fish and Game, health agencies, and other interested

parties, does designate shellfish harvesting areas in the vicinity of this discharge, this Order will be amended to identify the area(s) to which Receiving Water Limitation No. C.1.a. (2) applies.

29. Federal regulations (40 CFR Part 403) establish pretreatment program requirements for POTWs which receive pollutants from industries subject to pretreatment standards. This Order contains industrial pretreatment program requirements pursuant to 40 CFR Part 403. (See Pretreatment Requirements, Section D.)

30. On December 15, 1982, the United States Environmental Protection Agency (USEPA), Region 9, granted final industrial pretreatment program approval to the City of Oceanside. The City of Oceanside pretreatment program does not provide pretreatment service for the areas of the Rainbow Municipal Water District, or the City of Vista. The Rainbow Municipal Water District does not currently have any industrial users. However, by contract with the City of Oceanside, the Rainbow Municipal Water District is responsible for initiating its own pretreatment program upon acquiring industrial users. Wastewater generated in the portion of the City of Vista which is treated at the San Luis Rey Wastewater Treatment Plant is nonindustrial. The pretreatment program for the City of Vista is administered by the Encina Wastewater Authority.

31. On November 16, 1990, the USEPA promulgated NPDES permit application requirements for storm water discharges (40 CFR Parts 122, 123, and 124) which are applicable to the La Salina and San Luis Rey Wastewater Treatment Plants. On April 17, 1997, the State Water Resources Control Board adopted Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities. Storm water discharges from the La Salina and San Luis Rey Wastewater Treatment Plants are subject to the terms and conditions of Water Quality Order No. 97-03-DWQ, as amended.

32. Municipal storm water discharges are regulated separately under NPDES Order No. 90-42 (CA0108758), Waste Discharge Requirements for Storm Water and Urban Runoff from the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District. The City of Oceanside is considered a co-permittee participant in this permit.

33. On February 19, 1993, the USEPA issued the final rule for the use and disposal of sewage sludge (40 CFR Part 503). This regulation requires that producers of sewage sludge meet certain reporting, handling, and disposal requirements. USEPA, not this Regional Board, will oversee compliance with 40 CFR Part 503 (See Sludge Requirements, Section E.).

34. Section 301(b)(1)(B) of the Clean Water Act (CWA) requires POTWs to meet effluent limitations based on secondary treatment as defined by the USEPA Administrator. Secondary treatment is defined by the USEPA Administrator in the federal regulations (40 CFR Part 133.100 to 40 CFR Part 133.105) in terms of three parameters: 5-day

biochemical oxygen demand (BOD_5), total suspended solids (TSS), and pH. Federal regulations allow substitution of 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) limitations for BOD_5 limitations. Order No. 89-12 substituted $CBOD_5$ effluent limitations for the BOD_5 effluent limitations. Discharge Specification B.1.a. of this Order establishes effluent limitations for $CBOD_5$, TSS, and pH in accordance with federal secondary treatment regulations. In addition, Discharge Specification B.1.a of this Order establishes "Maximum at Any Time" limitations for $CBOD_5$ and TSS based on best professional judgement. In the absence of documentation that increased mass emission rate (MER) limitations are consistent with antidegradation policies, MER limitations in this Order must be the same as or more stringent than those in Order No. 95-07. MER limitations for $CBOD_5$ and TSS in this Order, therefore, are based on a flowrate of 16.2 MGallons/Day. See Finding No. 36 of this Order.

35. Waste discharge requirements for this discharge must be in conformance with 40 CFR 131.12 and State Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California (known collectively as "antidegradation" policies). The Regional Board has taken into consideration the requirements of the State and Federal "antidegradation" policies in establishing the requirements contained herein, and has determined that any reduction in water quality as a result of this discharge will not result in any long-term deleterious effects on water quality. As the effluent concentration and mass emission rate limitations in this Order are the same as or more stringent than those in Order No. 95-07, except for differences due to rounding, significant figures, or calculation errors, adoption of this Order is consistent with antidegradation policies.

36. Order No. 84-02, and Addenda Nos. 1, 2, and 3 thereto, established mass emission rate (MER) limitations based on a flowrate of 16.2 MGallons/Day. The same flowrate basis was used in the subsequent renewals of Order Nos. 89-12 and 95-07. As stated in Finding No. 16 of this Order, this permit authorizes the City of Oceanside to increase its average dry weather flowrate through the OOO from 18.2 MGallons/Day to 21 MGallons/Day. In order to maintain consistency with antidegradation policies, MER limitations established by this Order are also based on a flowrate of 16.2 MGallons/Day and are the same as or more stringent than those established in Order No. 95-07.

37. Effluent limitations, industrial pretreatment standards, sludge use and disposal regulations, and ocean discharge criteria established under Sections 208(b), 301, 302, 303(d), 304, 306, 307, 403, and 405 of the CWA, as amended (Title 33 United States Code (USC) 1251 et seq.), are applicable to the discharge(s) permitted by this Order.

38. On May 9, 1996, this Regional Board adopted Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*, and addenda thereto, to regulate sewage discharges from publicly owned sewage collection systems in the San Diego Region. Order No. 96-04, serving as State Waste Discharge Requirements, prohibits the discharge of sewage from sanitary sewer systems at any point upstream of a sewage treatment plant. Order No. 96-04 requires the development of a Sanitary Sewer Overflow Prevention Plan and a Sanitary Sewer

Overflow Response Plan for each collection system in the Region. In the event that a sewage discharge occurs within a collection system, Order No. 96-04 specifies procedures for reporting the discharge to the Regional Board.

39. Monitoring and Reporting Program No. 2000-11 may be subject to changes during the 5 - year period of this permit. The Southern California Coastal Water Research Project (SCCWRP) is currently investigating more effective techniques to monitor receiving waters of the Pacific Ocean. Once the SCCWRP study is complete, these methods may be incorporated into this Order's Monitoring and Reporting Program through an Addendum to this Order.

40. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:

    a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;

    b. Other waste discharges;

    c. The need to prevent nuisance;

    d. Past, present, and probable future beneficial uses of water;

    e. Environmental characteristics of the receiving waters under consideration, including the quality of those receiving waters;

    f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area;

    g. Economic considerations;

    h. The need for developing housing within the region; and

    i. The need to develop and use recycled water.

41. The issuance of waste discharge requirements for this discharge is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.

42. The Regional Board has notified the City of Oceanside and all known interested parties of its intent to reissue the NPDES permit for the discharge from the La Salina and San Luis Rey Wastewater Treatment Plants, and the Brackish Groundwater Desalinization Facility to the Pacific Ocean through the Oceanside Ocean Outfall.

43. The Regional Board, in a public hearing on February 9, 2000, heard and considered all

comments pertaining to the discharge from the La Salina and San Luis Rey Wastewater Treatment Plants, and the Brackish Groundwater Desalinization Facility to the Pacific Ocean via the Oceanside Ocean Outfall.

44. This Order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit for the discharge from the La Salina and San Luis Rey Wastewater Treatment Plants, and the Brackish Groundwater Desalinization Facility to the Pacific Ocean via the Oceanside Ocean Outfall pursuant to Section 402 of the Clean Water Act, and amendments thereto.

IT IS HEREBY ORDERED that the City of Oceanside (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and the regulations adopted thereunder, shall comply with the following for the handling, treatment, and disposal of wastes through the Oceanside Ocean Outfall from the La Salina and San Luis Rey Wastewater Treatment Plants, and the Brackish Groundwater Desalinization Facility:

A. PROHIBITIONS

1. Discharges of wastes in a manner or to a location which have not been specifically authorized by this Order and for which valid waste discharge requirements are not in force are prohibited.

2. The discharge of any radiological, chemical, or biological warfare agent, or high level radiological waste to the ocean is prohibited.

3. The dumping or deposition, from shore or from vessels, of oil, garbage, trash or other solid municipal, industrial, or agricultural waste directly into waters subject to tidal action or adjacent to waters subject to tidal action in any manner which may permit it to be washed into waters subject to tidal action is prohibited.

4. Waste shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.

5. Pipeline discharge of sludge to the ocean is prohibited by federal law; the discharge of municipal and industrial waste sludge directly to the ocean, or into a waste stream that discharges to the ocean, is prohibited.

6. The discharge of sludge digester supernatant directly to the ocean, or into a waste stream that discharges to the ocean, without further treatment is prohibited.

7. The bypassing of untreated wastes containing concentrations of pollutants in excess of those in Ocean Plan Table A or Table B or the effluent limitations of this Order to the ocean is prohibited, except as provided for in Provision F.36 of this Order. (Also see Attachment No. 1 to this Order, *1997 Ocean Plan Discharge Prohibitions*)

8. Discharge through the Oceanside Ocean Outfall from any treatment facility at a 30-day average dry weather flowrate in excess of the secondary treatment design capacity of that treatment facility is prohibited. For the purposes of this Order, the secondary treatment design capacity of a treatment facility is the existing secondary treatment design capacity of that treatment facility identified in the findings of this Order unless the discharger obtains the Executive Officer's approval of a revised design capacity in accordance with Provision F.17.

9. Compliance with Discharge Prohibitions as stated in Chapter V of the 1997 Ocean Plan (Attachment No. 1) is required as a condition of this Order.

10. Compliance with the Waste Discharge Prohibitions contained in the 1994 Basin Plan (Attachment No. 2) is required as a condition of this Order.

11. Discharge to the Pacific Ocean from the City of Oceanside's La Salina and San Luis Rey Wastewater Treatment Plants, and the Brackish Groundwater Desalinization Facility via the Oceanside Ocean Outfall in excess of 21 MGallons/ Day is prohibited unless the discharger obtains revised waste discharge requirements authorizing an increased flowrate.

B. DISCHARGE SPECIFICATIONS

1. The following effluent limitations apply to the undiluted effluent discharged from the La Salina and San Luis Rey Wastewater Treatment Plants via the Oceanside Ocean Outfall.

a. Effluent Limitations for Major Constituents and Properties of Wastewater

Constituent/ Property	Units	Monthly Average (30 day)	Weekly Average (7 day)	Maximum at any time
$CBOD_5$[1,2]	mg/L lb/Day	25 3,400	40 5,400	45 6,100
total suspended solids[1,2]	mg/L lb/Day	30 4,100	45 6,100	50 6,800
oil & grease[2]	mg/L lb/Day	25 3,400	40 5,400	75 10,000
settleable solids[2]	mL/L	1.0	1.5	3.0
turbidity[2]	NTU	75	100	225
pH[1,2]	pH units	Within limits of 6.0 - 9.0 at all times.		
acute toxicity[2]	TUa	1.5	2.0	2.5

b. Effluent Limitations on Toxic Materials for Protection of Marine Aquatic Life[3]

Constituent/ Property	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
arsenic	mg/L lb/Day	0.42 56	2.4 330	6.4 860
cadmium	ug/L lb/Day	83 11	330 45	830 110
chromium (hexavalent)[4]	ug/L lb/Day	170 22	660 90	1,660 220
copper	ug/L lb/Day	85 11	830 110	2,300 310
lead	ug/L lb/Day	170 22	660 90	1,660 220

Constituent/ Property	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
mercury	ug/L lb/Day	3.3 0.44	13 1.8	33 4.5
nickel	mg/L lb/Day	0.41 56	1.7 220	4.1 560
selenium	mg/L lb/Day	1.2 170	5.0 670	12 1,700
silver	ug/L lb/Day	24 3.3	140 18	360 49
zinc	mg/L lb/Day	1.0 135	6.0 810	16 2,200
cyanide[5]	ug/L lb/Day	83 11	330 45	830 110
total chlorine residual[6]	ug/L lb/Day	170 22	660 90	5,000 670
ammonia (as N)	mg/L lb/Day	50 6,700	200 27,000	500 67,000
chronic toxicity	TUc	--	83	--
phenolic compounds (non-chlorinated)	mg/L lb/Day	2.5 340	10 1,300	25 3,400
chlorinated phenolics	ug/L lb/Day	83 11	330 45	830 110
endosulfan[7]	ug/L lb/Day	0.75 0.10	1.5 0.20	2.2 0.30
endrin	ug/L lb/Day	0.17 0.022	0.33 0.045	0.50 0.067
HCH[8]	ug/L lb/Day	0.33 0.045	0.66 0.090	1.0 0.13
radioactivity[9]	Not to exceed limits specified in Title 17, Division 1, Chapter 5, Subsection 4, Group 3, Article 1, Section 30253 of the California Code of Regulations.			

c. Effluent Limitations for Toxic, Non-carcinogenic Materials for Protection of Human Health[3]

Constituent/ Property	Units	Monthly Average (30-day)
acrolein	mg/L lb/Day	18 2,500
antimony	mg/L lb/Day	100 13,500
bis(2-chloroethoxy) methane	ug/L lb/Day	360 49
bis(2-chloroisopropyl) ether	mg/L lb/Day	100 13,500
chlorobenzene	mg/L lb/Day	47 6,400
chromium (III)[4]	g/L lb/Day	16 2,100,000
di-n-butyl phthalate	mg/L lb/Day	290 39,000
Dichlorobenzenes[10]	mg/L lb/Day	420 57,000
1,1-dichloroethylene	mg/L lb/Day	590 80,000
diethyl phthalate	g/L lb/Day	2.7 370,000
dimethyl phthalate	g/L lb/Day	68 9,200,000
4,6-dinitro-2-methylphenol	mg/L lb/Day	18 2,500
2,4-dinitrophenol	ug/L lb/Day	330 45
ethylbenzene	mg/L lb/Day	340 46,000
fluoranthene	mg/L lb/Day	1.2 170

Constituent/ Property	Units	Monthly Average (30-day)
hexachlorocyclopentadiene	mg/L lb/Day	4.8 650
isophorone	g/L lb/Day	12 1,700,000
nitrobenzene	ug/L lb/Day	410 55
thallium	mg/L lb/Day	1.2 160
toluene	g/L lb/Day	7.1 950,000
1,1,2,2-tetrachloroethane	mg/L lb/Day	100 13,000
tributyltin	ug/L lb/Day	0.12 0.016
1,1,1-trichloroethane	g/L lb/Day	45 6,100,000
1,1,2-trichloroethane	g/L lb/Day	3.6 480,000

d. Effluent Limitations for Toxic, Carcinogenic Materials for Protection of Human Health[3]

Constituent/ Property	Units	Monthly Average (30-day)
acrylonitrile	ug/L lb/Day	8.3 1.1
aldrin	ng/L lb/Day	1.8 0.00025
benzene	ug/L lb/Day	490 66
benzidine	ng/L lb/Day	5.7 0.00077

Constituent/ Property	Units	Monthly Average (30-day)
beryllium	ug/L lb/Day	2.7 0.37
bis(2-chloroethyl) ether	ug/L lb/Day	3.7 0.50
bis(2-ethylhexyl) phthalate	ug/L lb/Day	290 39
carbon tetrachloride	ug/L lb/Day	75 10
Chlordane[11]	ng/L lb/Day	1.9 0.00026
chloroform	mg/L lb/Day	11 1,500
DDT[12]	ug/L lb/Day	0.014 0.0019
1,4-dichlorobenzene	mg/L lb/Day	1.5 200
3,3-dichlorobenzidine	ug/L lb/Day	0.67 0.091
1,2-dichloroethane	mg/L lb/Day	11 1,500
dichloromethane	mg/L lb/Day	37 5,000
1,3-dichloropropene	ug/L lb/Day	740 100
dieldrin	ng/L lb/Day	3.3 0.00045
2,4-dinitrotoluene	ug/L lb/Day	220 29
1,2-diphenylhydrazine	ug/L lb/Day	13 1.8
Halomethanes[13]	mg/L lb/Day	11 1,500

Constituent/ Property	Units	Monthly Average (30-day)
Heptachlor[14]	ug/L lb/Day	0.060 0.0081
hexachlorobenzene	ug/L lb/Day	0.017 0.0024
hexachlorobutadiene	mg/L lb/Day	1.2 160
hexachloroethane	ug/L lb/Day	210 28
N-nitrosodimethylamine	ug/L lb/Day	610 82
N-nitrosodiphenylamine	ug/L lb/Day	210 28
PAHs[15]	ug/L lb/Day	0.73 0.10
PCBs[16]	ng/L lb/Day	1.6 0.00021
TCDD equivalents[17]	pg/l lb/Day	0.32 0.000000044
tetrachloroethylene	mg/L lb/Day	8.2 1,100
toxaphene	ug/L lb/Day	0.017 0.0024
trichloroethylene	mg/L lb/Day	2.2 300
2,4,6-trichlorophenol	ug/L lb/Day	24 3.2
vinyl chloride	mg/L lb/Day	3.0 400

mg/L = milligrams per liter
ug/L = micrograms per liter
ng/L = nanograms per liter
pg/L = picograms per liter
mL/L = milliliters per liter
NTU = Nephelometric Turbidity Units
TUa = toxic units acute

TUc = toxic units chronic
lb/Day = pounds per day

2. Any significant change in waste flow shall be cause for reevaluating effluent quality requirements.

3. The 30-day average percent removal of $CBOD_5$ and the 30-day average percent removal of TSS shall each not be less than 85 percent.

4. Waste management systems that discharge to the ocean must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

5. Waste discharged through the Oceanside Ocean Outfall must be essentially free of:

   a. Material that is floatable or will become floatable upon discharge.

   b. Settleable material or substances that form sediments which degrade benthic communities or other aquatic life.

   c. Substances which will accumulate to toxic levels in marine waters, sediments or biota.

   d. Substances that significantly decrease the natural light to benthic communities and other marine life.

   e. Materials that result in aesthetically undesirable discoloration of the ocean surface.

6. Waste discharged through the Oceanside Ocean Outfall shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in treatment.

7. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:

   a. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.

   b. Natural water quality conditions are not altered in areas designated as being of special biological significance or areas that existing marine laboratories use as a source of seawater.

   c. Maximum protection is provided to the marine environment.

   Waste that contains pathogenic organisms or viruses should be discharged a sufficient

distance from shellfishing and water-contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures that do not increase effluent toxicity and that constitute the least environmental and human hazard shall be used.

8. All waste treatment, containment, and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

9. All waste treatment, containment, and disposal facilities shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year frequency 24-hour storm.

10. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Regional Board Executive Officer (hereinafter Executive Officer).

11. The discharge of substances for which effluent limitations are not established by this Order shall be prevented or, if the discharge cannot be prevented, minimized.

C. RECEIVING WATER LIMITATIONS

1. The discharge of waste through the Oceanside Ocean Outfall shall not, by itself or jointly with any other discharge, cause violation of the following Ocean Plan ocean water quality objectives. Compliance with the water quality objectives shall be determined from samples collected at stations representative of the area within the waste field where initial dilution is completed.

a. Bacterial Characteristics

(1) Water-Contact Standards

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water-contact sports, as determined by the Regional Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

(a) Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed

10,000 per 100 ml (100 per ml).

(b) The fecal coliform density based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.

The "Initial Dilution Zone" of wastewater outfalls shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial standards. Kelp beds, for the purpose of the bacterial standards of this Order, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

(2) Shellfish Harvesting Standards

At all areas where shellfish may be harvested for human consumption, as determined by the Regional Board, the following bacterial objectives shall be maintained throughout the water column:

The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

b. Bacterial Assessment and Remedial Action Requirements

The requirements listed below shall be used to 1) determine the occurrence and extent of any impairment of a beneficial use due to bacterial contamination; 2) generate information which can be used in the development of an enterococcus standard; and 3) provide the basis for remedial actions necessary to minimize or eliminate any impairment of a beneficial use.

Measurement of enterococcus density shall be conducted at all stations where measurement of total and fecal coliforms are required. In addition to the requirements of Receiving Water Limitation C.1.a of this Order, if a shore station consistently exceeds a coliform objective or exceeds a geometric mean enterococcus density of 24 organisms per 100 ml for a 30-day period or 12 organisms per 100 ml for a six-month period, the Regional Board shall require the discharger to conduct or participate in a survey to determine the source of the contamination. The geometric mean shall be a moving average based on no less than five samples per month, spaced evenly over the time interval. When a sanitary survey identifies a controllable source of indicator organisms associated with a discharge of sewage, the Regional Board may require the discharger and any other responsible parties identified by the Regional Board to take action to control the source.

c. Physical Characteristics

(1) Floating particulates and grease and oil shall not be visible.

(2) The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

(3) Natural light shall not be significantly reduced at any point outside the initial dilution zone as a result of the discharge of waste.

(4) The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

d. Chemical Characteristics

(1) The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as a result of the discharge of oxygen-demanding waste materials.

(2) The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

(3) The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

(4) The concentration of substances, set forth in Receiving Water Limitation C.3 of this Order, in marine sediments shall not be increased to levels which would degrade indigenous biota.

(5) The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

(6) Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

e. Biological Characteristics

(1) Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

(2) The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

(3) The concentration of organic materials in fish, shellfish, or other marine

resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

f. Radioactivity

Discharge of radioactive waste shall not degrade marine life.

2. The discharge of waste through the Oceanside Ocean Outfall shall not, by itself or jointly with any other discharge, cause violation of the following Basin Plan ocean water quality objectives:

a. The mean annual dissolved oxygen concentration shall not be less than 7.0 mg/L nor shall the minimum dissolved oxygen concentration be reduced below 5.0 mg/L at any time.

b. The pH value shall not be depressed below 7.0 nor raised above 8.6.

3. Toxic Materials

The discharge through the Oceanside Ocean Outfall shall not by itself or jointly with any other discharge, cause the following Ocean Plan water quality objectives to be exceeded in the receiving water upon completion of initial dilution, except that limitations indicated for radioactivity shall apply directly to the undiluted waste effluent.

a. Water Quality Objectives for the Protection of Marine Aquatic Life

Constituent	Units	6 Month Median	Daily Maximum	Instantaneous Maximum
arsenic	ug/L	8	32	80
cadmium	ug/L	1	4	10
chromium (hexavalent)	ug/L	2	8	20
copper	ug/L	3	12	30
lead	ug/L	2	8	20
mercury	ug/L	0.04	0.16	0.4
nickel	ug/L	5	20	50
selenium	ug/L	15	60	150
silver	ug/L	0.45	1.8	4.5
zinc	ug/L	20	80	200

Constituent	Units	6 Month Median	Daily Maximum	Instantaneous Maximum
cyanide	ug/L	1	4	10
total chlorine residual	ug/L	2	8	60
ammonia (as N)	ug/L	600	2,400	6,000
chronic toxicity	TUc	--	1	--
phenolic compounds (non-chlorinated)	ug/L	30	120	300
chlorinated phenolics	ug/L	1	4	10
Endosulfan[7]	ug/L	0.009	0.018	0.027
endrin	ug/L	0.002	0.004	0.006
HCH[8]	ug/L	0.004	0.008	0.012
Radioactivity[9]	Not to exceed limits specified in Title 17, Division 1, Chapter 5, Subsection 4, Group 3, Article 1, Section 30253 of the California Code of Regulations.			

b. Water Quality Objectives for the Protection of Human Health -- Noncarcinogens

Chemical	Units	30-Day Average
acrolein	ug/L	220
antimony	ug/L	1,200
bis(2-chloroethoxy)methane	ug/L	4.4
bis(2-chloroisopropyl)ether	ug/L	1,200
chlorobenzene	ug/L	570
chromium (III)	ug/L	190,000
di-n-butyl phthalate	ug/L	3,500
Dichlorobenzenes[10]	ug/L	5,100
1,1-dichloroethylene	ug/L	7,100
diethyl phthalate	ug/L	33,000
dimethyl phthalate	ug/L	820,000

Chemical	Units	30-Day Average
4,6-dinitro-2-methylphenol	ug/L	220
2,4-dinitrophenol	ug/L	4.0
ethylbenzene	ug/L	4,100
fluoranthene	ug/L	15
hexachlorocyclopentadiene	ug/L	58
isophorone	ug/L	150,000
nitrobenzene	ug/L	4.9
thallium	ug/L	14
toluene	ug/L	85,000
1,1,2,2-tetrachloroethane	ug/L	1,200
tributyltin	ug/L	0.0014
1,1,1-trichloroethane	ug/L	540,000
1,1,2-trichloroethane	ug/L	43,000

c. Water Quality Objectives for the Protection of Human Health -- Carcinogens

Chemical	Units	30-Day Average
acrylonitrile	ug/L	0.10
aldrin	ug/L	0.000022
benzene	ug/L	5.9
benzidine	ug/L	0.000069
beryllium	ug/L	0.033
bis(2-chloroethyl)ether	ug/L	0.045
bis(2-ethylhexyl)phthalate	ug/L	3.5
carbon tetrachloride	ug/L	0.90
chlordane[11]	ug/L	0.000023
chloroform	ug/L	130

Chemical	Units	30-Day Average
DDT[12]	ug/L	0.00017
1,4-dichlorobenzene	ug/L	18
3,3-dichlorobenzidine	ug/L	0.0081
1,2-dichloroethane	ug/L	130
dichloromethane	ug/L	450
1,3-dichloropropene	ug/L	8.9
dieldrin	ug/L	0.00004
2,4-dinitrotoluene	ug/L	2.6
1,2-diphenylhydrazine	ug/L	0.16
Halomethanes[13]	ug/L	130
Heptachlor[14]	ug/L	0.00072
hexachlorobenzene	ug/L	0.00021
hexachlorobutadiene	ug/L	14
hexachloroethane	ug/L	2.5
N-nitrosodimethylamine	ug/L	7.3
N-nitrosodiphenylamine	ug/L	2.5
PAHs[15]	ug/L	0.0088
PCBs[16]	ug/L	0.000019
TCDD equivalents[17]	pg/L	0.0039
tetrachloroethylene	ug/L	99
toxaphene	ug/L	0.00021
trichloroethylene	ug/L	27
2,4,6-trichlorophenol	ug/L	0.29
vinyl chloride	ug/L	36

mg/L = milligrams per liter
ug/L = micrograms per liter
ng/l = nanograms per liter
pg/l = picograms per liter
NTU = Nephelometric Turbidity Unit

TUc = toxic units chronic

D. PRETREATMENT REQUIREMENTS

1. The discharger shall be responsible and liable for the performance of all pretreatment requirements contained in 40 CFR 403, including any subsequent revisions to 40 CFR 403. Where 40 CFR 403 or subsequent revisions place mandatory actions upon the discharger, but do not specify a timetable for completion, the discharger shall complete the mandatory actions within six months of the issuance date of this Order, or the effective date of the 40 CFR 403 revisions, whichever comes later. For violations of pretreatment requirements, the discharger shall be subject to enforcement actions, penalties, fines, and other remedies by the USEPA, as provided in the Clean Water Act (CWA), as amended, and by the Regional Board, as provided in the Porter-Cologne Water Quality Control Act.

2. The discharger shall implement and enforce its approved Pretreatment Program, and all subsequent revisions, which are hereby made an enforceable condition of this Order. The discharger shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d), and 402(b) of the CWA with timely, appropriate, and effective enforcement actions. The discharger shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements, or in the case of a new industrial user, upon commencement of the discharge.

3. The discharger shall perform the pretreatment functions as required in 40 CFR 403, including, but not limited to:

   a. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);

   b. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;

   c. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and

   d. Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).

4. By March 1 of each year, the discharger shall submit an annual report to: the Regional Board; the USEPA, Region 9; the State Water Resources Control Board, Division of Water Quality, Regulatory Unit; and the San Diego County Department of Health Services, Hazardous Materials Management Division, describing the discharger's pretreatment activities over the previous calendar year (See Reporting Requirement G.19 of this Order for contact information). In the event that the discharger is not in compliance with any condition or requirement of this Order, or any pretreatment compliance inspection/audit requirements, the discharger shall also include the reasons for noncompliance and state how and when the discharger shall comply with such conditions and requirements. The annual report shall contain, but not be limited to, the following information:

a. A summary of analytical results from representative flow-proportioned, 24-hour composite sampling of the discharger's influent and effluent for those pollutants that the USEPA has identified under Section 307(a) of the CWA, and which are known or suspected to be discharged by industrial users. The summary will consist of an annual full priority pollutant scan. Wastewater sampling and analysis shall be performed in accordance with the minimum frequency of analysis stated in the Monitoring and Reporting Program of this Order. The discharger shall also provide influent and effluent monitoring data for non-priority pollutants which the discharger believes may be causing or contributing to interference, pass-through, or adversely impacting sludge quality. The discharger is not required to sample and analyze for asbestos. Sludge sampling and analysis is addressed in Section E., *Sludge Requirements*, of this Order. Wastewater sampling and analysis shall be performed in accordance with 40 CFR 136 and amendments thereto.

b. A discussion of upset, interference, or pass-through incidents, if any, at the POTW(s) which the discharger knows or suspects were caused by industrial users. The discussion shall include the reasons the incidents occurred, the corrective actions taken, and, if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable local pollutant limitations to determine whether any additional limitations, or changes to existing limitations, are necessary to prevent pass-through, interference, or noncompliance with sludge disposal requirements.

c. An updated list of the discharger's significant industrial users, including their names and addresses, and showing a list of additions, deletions, or name changes keyed to the previously submitted list. The list shall identify the industrial users subject to Federal Categorical Standards by specifying which standards are applicable. The list shall indicate which significant (non-categorical) industrial users are subject to local discharge limitations.

d. The discharger shall characterize the compliance status of each significant industrial user (SIU) by providing a list or table containing the following:

(1) Name of SIU and category if subject to categorical standards;

(2) Type of wastewater treatment or control processes in place;

(3) Number of samples taken by the SIU during the year;

(4) Number of samples taken and inspections performed by the discharger during the year;

(5) For an SIU subject to discharge requirements for total toxic organics (TTO), whether all required certifications were provided;

(6) A list of pretreatment standards (categorical or local) violated during the year, or any other violations;

(7) Industries in significant noncompliance (SNC) as defined in 40 CFR 403.12(f)(2)(vii) at any time during the year;

(8) A summary of enforcement actions or any other actions taken against SIU(s) during the year. Describe the type of action, final compliance date, and the amount of fines and/or penalties collected, if any. Describe any proposed actions for bringing an SIU into compliance; and

(9) The name(s) of any SIU(s) required to submit a baseline monitoring report (BMR), and any SIU(s) currently discharging under a BMR.

e. A brief description of any programs the discharger implements to reduce pollutants from industrial users not classified as SIUs;

f. A brief description of any significant changes in operating the pretreatment program which differ from the previous year including, but not limited to, changes in the program's administrative structure, local limits, monitoring program, legal authority, enforcement policy, and funding and staffing levels;

g. A summary of the annual pretreatment program budget, including the cost of pretreatment program functions and equipment purchases;

h. A summary of activities to involve and inform the public of the pretreatment program including a copy of the newspaper notice, if any, required under 40 CFR 403.8(f)(2)(vii);

i. A description of any changes in sludge disposal methods; and

j. A discussion of any concerns not described elsewhere in the annual report.

5. The discharger shall submit a semi-annual SIU compliance status report to the Regional Board, the State Water Resources Control Board, and the USEPA. The report shall cover the period of January 1 through June 30, and shall be submitted no later than September 1. The report shall identify:

a. The names and addresses of all SIUs which violated any discharge or reporting requirements during the semi-annual reporting period;

b. A description of the violations including whether the discharge violations were for categorical standards or local limits;

c. A description of the enforcement actions, or other actions taken to remedy the noncompliance; and

d. The status of active enforcement actions, or other actions taken in response to SIU noncompliance identified in previous reports.

6. The discharger shall continue with its implementation of a Nonindustrial Source Control Program consisting of a public education program designed to minimize the entrance of nonindustrial toxic pollutants and pesticides into the sanitary sewer system. The Nonindustrial Source Control Program shall be reviewed periodically and addressed in the annual report.

E. SLUDGE REQUIREMENTS

1. Management of all solids and sludge must comply with all requirements of CFR Parts 257, 258, 501, and 503, including all monitoring, record-keeping, and reporting requirements. Since the State of California, hence the Regional and State Boards, has not been delegated the authority by the USEPA to implement the sludge program, enforcement of sludge requirements of CFR Part 503 is under USEPA's jurisdiction.

2. All solids and sludge must be disposed of in a municipal solid waste landfill, reused by land application, or disposed of in a sludge-only landfill in accordance with 40 CFR Parts 503 and 258, and Title 23 CCR Chapter 15. If the discharger desires to dispose of solids or sludge by a different method, a request for permit modification must be submitted to the USEPA and this Regional Board 180 days prior to the alternative disposal.

3. Sludge that is disposed of in a municipal solid waste landfill must meet the requirements of 40 CFR 25. In the annual self-monitoring report, the discharger shall include the amount of sludge disposed of, and the landfill(s) to which it was sent.

4. The permittee shall ensure that all biosolids produced at its facility are used or disposed of in compliance with the applicable portions of:

   a. 40 CFR 503: for biosolids which are land applied (placed on the land for the purpose of providing nutrients or conditioning the soil for crops or vegetation), placed in surface disposal sites (placed on the land for the purpose of disposal), stored, or incinerated;

   b. 40 CFR 258: for biosolids disposed in a municipal solid waste landfill;

   c. 40 CFR 257: for other disposal practices.

   The permittee is responsible for ensuring compliance with these regulations whether the permittee uses or disposes of the biosolids itself or contracts with another party for further treatment, use, or disposal. The permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under 40 CFR 257, 258, and 503.

5. Notification of non-compliance: The permittee shall notify EPA Region 9, the San Diego Regional Board, and the Regional Board where the biosolids are used or disposed of any non-compliance within 24 hours if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the permittee shall notify EPA Region 9 and the Regional Boards of the non-compliance in writing within 5 working days of becoming aware of the non-compliance. See Attachment No. 5 for contact information.

6. Inspection and Entry: The Regional Board, EPA, or an authorized representative, upon the presentation of credentials, shall be allowed by the permittee, directly or through contractual arrangements with the permittee's biosolids contractors, a) to enter upon all premises where biosolids produced by the permittee are treated, stored, used, or disposed, b) to have access to and copy any records that must be kept under the conditions of this permit or of 40 CFR 503, and c) to inspect any facilities, equipment, or operations used by the permittee or its contractors in the production, treatment, storage, use, or disposal of the biosolids.

7. The permittee shall submit an annual biosolids report to the EPA Region 9 Biosolids Coordinator and the Regional Board by February 19 of each year for the period covering the previous calendar year, with the following:

   a. The amount of biosolids generated that year, reported in dry metric tons, and the amount accumulated from previous years;

   b. The results of all pollutant and pathogen monitoring (Results shall be reported on a 100% dry weight basis for comparison with 40 CFR 503 limits. Any sample results reported on a wet weight basis must report the % solids of that sample.);

   c. Descriptions of methods used to achieve pathogen reduction and vector attraction reduction, including supporting time and temperature data, and certifications required in 40 CFR 503.17 and 503.27;

   d. Names and addresses of entities receiving biosolids for further treatment, use, or disposal, and volumes of biosolids sent to each;

   e. For all biosolids used or disposed at the permittee's facilities, the site and management practice information and certification required in 40 CFR 503.17 and 503.27; and

   f. For all biosolids temporarily stored, the information required in 40 CFR 503.20 required to demonstrate temporary storage.

Reports shall be submitted to:

g. (1) Regional Biosolids Coordinator
USEPA (WTR-7)
75 Hawthorne St.
San Francisco, CA 94105-3901

(2) Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, California 92124-1324
Phone - (858) 467-2952
Fax - (858) 571-6972

8. All the requirements of 40 CFR 503 and 23 CCR 15 are enforceable by the USEPA and this Regional Board whether or not the requirements are stated in an NPDES permit or any other permit issued to the discharger.

9. The discharger shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that has a likelihood of adversely affecting human health or the environment.

10. 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.

11. The solids and sludge treatment and storage site 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 at least a 100-year storm and protection from the highest possible tidal stage that may occur.

12. 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.

13. The discharger shall submit an annual report to the USEPA and this Regional Board containing monitoring results and pathogen and vector attraction reduction requirements, as specified by 40 CFR 503. The discharger shall also report the quantity of sludge disposed and the disposal method. This self-monitoring report must be postmarked by February 19 of each year and report for the period covering the previous calendar year.

F. PROVISIONS

1. The discharger must comply with all conditions of this Order. Any permit noncompliance constitutes a violation of the CWA and the California Water Code, and is

grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of an application for permit renewal, modification, or reissuance.

2. The discharger must comply with all standard provisions, where applicable, as stated in 40 CFR 122.41 (see Attachment No. 3) and Standard Provisions (Attachment No. 4).

3. Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.

4. The following sections of 40 CFR (see Attachment No. 5) are incorporated into this permit by reference, and the discharger must comply with these provisions:

   a. 122.5: Effect of a permit

   b. 122.21: Application for a permit

   c. 122.22: Signatories to permit applications and reports

   d. 122.41: Conditions applicable to all permits

   e. 122.61: Transfer of permits

   f. 122.62: Modification or revocation of permits

   g. 122.63: Minor modifications of permits

   h. 122.64: Termination of permits

5. This Order may be modified, revoked and reissued, or terminated for causes including, but not limited to, the following:

   a. Violation of any terms or conditions of this Order.

   b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.

   c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   The filing of a request by the discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.

6. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the Executive Officer may institute proceedings under these regulations to modify or revoke and reissue the Order to

conform to the toxic effluent standard or prohibition.

7. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use and disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish those standards or prohibitions or standards for sewage sludge use or disposal, even if this Order has not yet been modified to incorporate the requirement.

8. The discharger shall comply with all existing federal and state laws and regulations that apply to its sewage sludge use and disposal practice(s), and with the CWA Section 405(d) and 40 CFR Part 257.

9. The discharger shall allow the Regional Board, or any Regional Board authorized representative, or any authorized representative of the USEPA (including an authorized contractor acting as a representative of the Regional Board or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

   a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, including sludge use and disposal activities, or where records must be kept under the conditions of this Order;

   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

   c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order including sludge use and disposal sites; and

   d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the CWA or California Water Code, any substances or parameters at any location.

10. This Order does not convey any property rights of any sort or any exclusive privilege. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from its liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue its waste discharge.

11. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. Upon reduction, loss, or failure of a treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control all discharges until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of a treatment facility fails, is reduced, or is lost.

12. Supervisors and operators of the discharger's wastewater treatment facilities shall possess a certificate of appropriate grade in accordance with Chapter 14 of Division 4 of Title 23 of the California Code of Regulations.

13. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this Order.

14. The discharger's wastewater treatment facilities shall be operated and maintained in accordance with the operation and maintenance manual(s) prepared by the discharger through the Clean Water Grant Program.

15. A copy of this Order shall be posted at a prominent location at or near the treatment and disposal facilities, and shall be available to operating personnel at all times.

16. The discharger shall comply with any interim effluent limitations as established by an addendum, enforcement action or revised waste discharge requirements which have been or may be adopted by this Regional Board.

17. All proposed new treatment facilities and expansions of existing treatment facilities shall be completely constructed and operable prior to initiation of the discharge from the new or expanded facilities. The discharger shall submit a certification report for each new treatment facility, expansion of an existing treatment facility, and re-rating of an existing treatment facility. For new treatment facilities and expansions, the certification report shall be prepared by the design engineer. For re-ratings, the certification report shall be prepared by the engineer who evaluated the treatment facility capacity. The certification report shall:

    a. Identify the design capacity of the treatment facility;

    b. Certify the adequacy of each component of the treatment facility; and

    c. Contain a requirement-by-requirement analysis, based on acceptable engineering practices, of how the process and physical design of the facility will ensure compliance with this Order.

    The signature and engineering license number of the engineer preparing the certification report shall be affixed to the report. The certification report, should, if possible, be submitted prior to beginning construction. The discharger shall not initiate a discharge from a new treatment facility or initiate a discharge from an existing treatment facility at

a 30-day average dry weather flowrate in excess of its previously approved design capacity until:

d. The certification report is received by the Executive Officer;

e. The Executive Officer has received written notification of the completion of construction (new treatment facilities and expansions only);

f. An inspection of the plant has been made by the Regional Board staff (new treatment facilities and expansions only); and

g. The Executive Officer has provided the discharger with written authorization to discharge at a 30-day average dry weather flowrate not to exceed the revised design capacity.

18. The discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order which has a reasonable likelihood of adversely affecting human health or the environment.

19. If only one sample is collected during the time period associated with the effluent limitations (e.g., 30-day average or 6-month median), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

20. All analytical data shall be reported uncensored with detection limits and quantitation limits identified. For any effluent limitation, compliance shall be determined using appropriate statistical methods to evaluate multiple samples. Sufficient sampling and analysis shall be conducted to determine compliance.

21. Compliance based on a single sample analysis shall be determined where appropriate as described below.

a. When a calculated effluent limitation is greater than or equal to the PQL (defined below), compliance shall be determined based on the calculated effluent limitation and either single or multiple sample analyses.

b. When the calculated effluent limitation is below the PQL, compliance determinations based on analysis of a single sample shall only be undertaken if the concentration of the constituent of concern in the sample is greater than or equal to the PQL.

c. When the calculated effluent limitation is below the PQL and recurrent analytical responses between the PQL and the calculated limit occur, compliance shall be determined by statistical analysis of multiple samples.

22. Published values for MDLs (defined below) and PQLs should be used except where revised MDLs and PQLs are available from recent laboratory performance evaluations, in

which case the revised MDLs and PQLs should be used. Where published values are not available, the Executive Officer will determine appropriate values based on available information, including information submitted by the discharger upon request of the Executive Officer.

a. The Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero, as defined in 40 CFR Part 136 Appendix B.

b. The Practical Quantitation Level (PQL) is the lowest concentration of a substance which can be consistently determined within +/-20% of the true concentration by 75% of the labs tested in a performance evaluation study. Alternatively, if performance data are not available, the PQL for carcinogens is the MDL x 5, and for noncarcinogens is the MDL x 10.

23. When determining compliance based on a single sample, with a single effluent limitation which applies to a group of chemicals (e.g., PCBs), concentrations of individual members of the group may be considered to be zero if the analytical response for individual chemicals falls below the MDL for that parameter.

24. The 6-month median effluent concentration limitation shall apply as a moving median of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. The 6-month median receiving water limitation shall apply as a moving median of all values collected for any 180-day period.

25. The 30-day average effluent limitation shall be the moving arithmetic mean of daily concentrations over the specified 30-day period.

26. The 7-day average shall be the moving arithmetic mean of daily concentrations over the specified 7-day period.

27. The daily maximum effluent limitation shall apply to flow-weighted 24-hour composite samples. The daily maximum receiving water limitation shall apply to grab sample determinations.

28. The instantaneous maximum effluent limitation shall apply to grab sample determinations. The instantaneous maximum receiving water limitation shall apply to grab sample determinations.

29. The mass emission rate (MER), in pounds per day, shall be obtained from the following calculation for any calendar day:

$$\text{mass emission rate (lb/Day)} = 8.34 \times Q \times C$$

in which Q and C are the flow rate in MGallons/ Day and the constituent concentration in mg/L, respectively, and 8.34 is a conversion factor with units of [lb/MGallons] / [mg/L]. If a composite sample is taken, then C is the concentration measured in the composite sample and Q is the average flow rate occurring during the period over which the samples are composited.

30. Compliance with the Acute Toxicity limitation in Discharge Specification B.1.a. of this Order shall be determined using an established protocol, e.g., American Society for Testing Materials (ASTM), USEPA, American Public Health Association, or State Board. Acute Toxicity (TUa) shall be expressed in Toxic Units Acute (TUa), where:

$$TUa = \frac{100}{\text{96-hour } LC_{50}}$$

Where LC_{50} (Lethal Concentration 50%) is the percent waste giving 50% survival of test organisms. LC_{50} shall be determined by static or continuous flow bioassay techniques using standard test species. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC_{50} may be determined after the test samples are adjusted to remove the influence of those substances.

When it is not possible to measure the 96-hour LC_{50} due to greater than 50% survival of the test species in 100% waste, the toxicity concentration shall be calculated by the following:

$$TUa = \frac{\log (100 - S)}{1.7}$$

where S is the percentage survival in 100% waste. If $S > 99$, TUa shall be reported as zero.

31. Compliance with the Chronic Toxicity effluent limitation established in Discharge Specification No. B.1.b of this Order shall be determined using critical life stage toxicity tests. Chronic Toxicity (TUc) shall be expressed as Toxic Units Chronic (TUc), where:

$$TUc = \frac{100}{NOEL}$$

where NOEL is the No Observed Effect Level and is expressed as the maximum percent effluent that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed below.

A minimum of three test species with approved test protocols shall be used to measure compliance with the chronic toxicity objective. If possible, the test species shall include a fish, an invertebrate, and an aquatic plant. After a screening period, monitoring may be reduced to the most sensitive species. Dilution and control water should be obtained

from an unaffected area of the receiving waters. The sensitivity of the test organisms to a reference toxicant shall be determined concurrently with each bioassay test and reported with the test results.

The tests specified in the July 1997 Ocean Plan shall be used to measure TUc. Other tests may be added to the list when approved by the SWRCB.

32. If toxicity testing results show a violation of any acute or chronic toxicity limitation identified in Discharge Specification B.1 of this Order, the discharger shall:

a. Take all reasonable measures necessary to immediately minimize toxicity; and

b. Increase the frequency of the toxicity test(s) that showed a violation to at least two times per month until the results of at least two consecutive toxicity tests do not show violations.

If the Executive Officer determines that toxicity testing shows consistent violation of any acute or chronic toxicity limitation identified in Discharge Specification B.1. of this Order, the discharger shall conduct a Toxicity Reduction Evaluation (TRE) which includes all reasonable steps to identify the source of toxicity. Once the source of toxicity is identified, the discharger shall take all reasonable steps to reduce the toxicity to meet the toxicity limitations identified in Discharge Specification B.1 of this Order.

Within fourteen days of completion of the TRE, the discharger shall submit the results of the TRE, including a summary of the findings, data generated, a list of corrective actions necessary to achieve consistent compliance with all the toxicity limitations of this Order and prevent recurrence of violations of those limitations, and a time schedule for implementation of such corrective actions. The corrective actions and time schedule shall be modified at the direction of the Executive Officer.

33. For all bacterial analyses, sample dilutions should be performed so the range of values extends from 2 to 16,000 MPN (most probable number). The detection methods used for each analysis shall be reported with the results of the analysis. Detection methods used for coliforms (total and fecal) shall be those presented in the most recent edition of Standard Methods for the Examination of Water and Wastewater or any improved method determined by the Regional Board (and approved by USEPA) to be appropriate. Detection methods used for enterococcus shall be those presented in USEPA publication USEPA 600/4-85/076, Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure or any improved method determined by the Regional Board to be appropriate.

34. The geometric mean used for determining compliance with bacterial standards is calculated with the following equation:

$$\text{Geometric Mean} = (C_1 \times C_2 \times \ldots \times C_n)^{1/n}$$

where n is the number of days samples were collected during the period and C is the concentration of bacteria (MPN/100 mL) found on each day of sampling.

35. As used in this Order, waste includes a discharger's total discharge, of whatever origin (i.e. gross, not net, discharge).

36. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "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 which 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.

b. Bypass not Exceeding Limitations

The discharger may allow any bypass to occur which does not cause effluent limitations of this Order or the concentrations of pollutants set forth in Ocean Plan Table A or Table B to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this provision.

c. Notice

(1) Anticipated bypass. If the discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

(2) Unanticipated bypass. The discharger shall submit notice of an unanticipated bypass as required in Reporting Requirement G.11 of this Order.

d. Prohibition of Bypass

(1) Bypass is prohibited and the Regional Board may take enforcement action against the discharger for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(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 which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The discharger submitted notices as required under paragraph c. of this provision.

(2) The Executive Officer may approve an anticipated bypass, after considering its adverse effect, if the Executive Officer determines that it will meet the three conditions listed in paragraph d.(1) of this provision.

37. Upset

a. Definition

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. 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 paragraph c. of this provision 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.

c. Conditions Necessary for a Demonstration of Upset

A discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the discharger can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The discharger submitted notice of the upset as required in Reporting Requirement G.11 of this Order; and

(4) The discharger complied with any remedial measures required under Provision F.18 of this Order.

d. Burden of Proof

In any enforcement proceeding the discharger seeking to establish the occurrence of an upset has the burden of proof.

38. The discharger shall maintain a Sewer Overflow Prevention Plan (SOPP) in an up-to-date condition and shall amend the SOPP whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sewerage system or sewerage facilities) which materially affects the potential for sewer overflows. The discharger shall review and amend the SOPP as appropriate after each sewer overflow from the Oceanside Ocean Outfall (OOO), the Oceanside Land Outfall (OLO), or in the service areas of the La Salina (LS) and San Luis Rey (SLR) Wastewater Treatment Facilities. The SOPP and any amendments thereto, shall be subject to the approval of the Executive Officer and shall be modified as directed by the Executive Officer. The discharger shall submit the SOPP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The discharger shall ensure that the up-to-date SOPP is readily available to sewerage system personnel at all times and that sewerage system personnel are familiar with it.

39. The discharger shall maintain a Sewer Overflow Response Plan (SORP) for the OOO, OLO, and the service areas of the LS and SLR Wastewater Treatment Facilities. The SORP shall establish procedures for responding to sewer overflows from the OOO, OLO, and the service areas of the LS and SLR Wastewater Treatment Facilities so as to (a) minimize the sewer overflow volume which enters surface waters, and (b) minimize the adverse effects of sewer overflows on water quality and beneficial uses. The discharger shall maintain the SORP in an up-to-date condition and shall amend the SORP as necessary to accomplish these objectives. The discharger shall review and amend the SORP as appropriate after each sewer overflow from the OOO, OLO, and the service areas of the LS and SLR Wastewater Treatment Facilities. The SORP, and any amendments thereto, shall be subject to the approval of the Executive Officer and shall be modified as directed by the Executive Officer. The discharger shall submit the SORP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The discharger shall ensure that the up-to-date SORP is readily available to sewerage system personnel at all times and that sewerage system personnel are familiar with it.

40. No later than 6 months after the adoption of this Order, the discharger shall submit a written report to the Executive Officer, addressing the following:

a. Most current information on the capacity of the Oceanside Ocean Outfall.

b. The discharger's best estimate of when the average daily dry-weather flow will equal or exceed the OOO capacity.

c. The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for the OOO and/or to control the flowrate before the flowrate is equal to the current outfall capacity.

d. The report must be signed and agreed upon by each of the parties discharging to the OOO.

G. REPORTING REQUIREMENTS

1. The discharger must comply with standard monitoring and reporting requirements, where applicable, as stated in 40 CFR 122.41 (see Attachment No. 3) and Standard Provisions (Attachment No. 4).

2. This Order expires February 9, 2005. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain new waste discharge requirements. The discharger must submit a full and complete Report of Waste Discharge in accordance with Title 23 of the California Code of Regulations, to the Executive Officer, not later than 180 days in advance of the expiration date of this Order, as application for issuance of new waste discharge requirements. Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the Discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:

   a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste;

   b. Significant change in disposal method (e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste);

   c. Significant change in the disposal area (e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems);

   d. Increase in flow beyond that specified in the waste discharge requirements;

   e. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements [CWC 13372, 13376,

13264, 23 CCR 2210];

f. Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated;

g. Any new discharge of pollutants or new potential pollutant source; and/or

h. Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13372, 13264,23 CCR 2210]

3. All applications, reports, or information submitted to the Executive Officer of this Regional Board shall be signed and certified.

a. All Reports of Waste Discharge shall be signed by either a principal executive officer or ranking elected official.

b. All reports required by this Order and other information requested by the Executive Officer shall be signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;

(2) 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.); and

(3) The written authorization is submitted to the Executive Officer.

c. If an authorization under paragraph b. of this reporting requirement 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 paragraph b. of this reporting requirement must be submitted to the Executive Officer prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Any person signing a document under paragraph a. or b. of this reporting requirement 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."

4. Pursuant to State Board Order No. WQ 84-7, the discharger shall submit with its Report of Waste Discharge for reissuance of its NPDES permit, sufficient information to justify why any effluent proposed to be discharged to the ocean is not being reclaimed for beneficial use.

5. The discharger shall report sewer overflow events in accordance with the following procedures:

   a. A sewer overflow event is a discharge of treated or untreated wastewater at a location not authorized by waste discharge requirements and/or a NPDES permit, which results from a pump station failure, sewer line break, obstruction, surcharge, or any other operational dysfunction. Overflows that occur within the treatment plant facility shall be reported to the Regional Board, the Office of Emergency Services (OES), and the County of San Diego Department of Environmental Health Services, following the procedures listed below. All sewer overflows within the collection system service area of the treatment facility shall be reported as specified in this Regional Board's Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. The sewage overflow reporting requirements in this order coincide with the reporting requirements contained in Order No. 96-04.

   b. For the purpose of this permit, discharges to storm drains are considered discharges to surface waters.

   c. The following are the reporting procedures for sewage overflows from sewage treatment and disposal facilities:

      (1) If a sanitary sewer overflow event results in a discharge that is greater than 1,000 gallons or that reaches surface waters, the discharger shall:

         (a) Report the sanitary sewer overflow event to the Regional Board, OES, and the County of San Diego Environmental Health Services by telephone, by voice mail, or by FAX within 24 hours from the time the discharger becomes aware of the sewer overflow event. This report shall include only the information specified by Item Nos. 1 through 5, 8, 12A, 12B, and 13 contained in the Sewer Overflow Report (SOR) form supplied by the Regional Board.

(b) A SOR form, as well as any additional pertinent information, shall be submitted to the Regional Board no later than five days following the starting date of the sewer overflow event.

(c) The discharge event shall be included in the next quarterly self-monitoring report, in accordance with the format described in Order No. 96-04.

(2) If the sanitary sewer overflow event results in a discharge under 1,000 gallons or the discharge does not reach surface waters:

(a) A report is not required within 24 hours.

(b) The discharge event shall be included in the next quarterly self-monitoring report, in accordance with the format described in Order No. 96-04.

6. The discharger shall provide adequate notice to the Executive Officer of the following:

a. Any new introduction of pollutants into the discharger's treatment works from an indirect discharger which would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into the discharger's treatment works by a source introducing pollutants into the treatment works at the time of issuance of this Order; and

c. For purposes of this paragraph, adequate notice shall include information on:

(1) The quality and quantity of effluent introduced into the POTW, and

(2) Any anticipated impact of the change on the quantity or quality of effluent and/or sludge to be discharged from the POTW.

7. The discharger shall give notice to the Executive Officer as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b);

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this Order; or

c. The alteration or addition results in a significant change in the discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of conditions in this Order that are different from or absent in the existing Order, 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.

8. The discharger shall give advance notice to the Executive Officer of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this Order.

9. This Order is not transferable to any person except after notice to the Executive Officer. The Executive Officer may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the CWA or the California Water Code in accordance with the following:

a. Transfers by Modification

Except as provided in paragraph b. of this reporting requirement, this Order may be transferred by the discharger to a new owner or operator only if this Order has been modified or revoked and reissued, or a minor modification made to identify the new discharger and incorporate such other requirements as may be necessary under the CWA or California Water Code.

b. Automatic Transfers

As an alternative to transfers under paragraph a. of this reporting requirement, any NPDES permit may be automatically transferred to a new discharger if:

(1) The current discharger notifies the Executive Officer at least 30 days in advance of the proposed transfer date in paragraph b.(2) of this reporting requirement;

(2) The notice includes a written agreement between the existing and new dischargers containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The Executive Officer does not notify the existing discharger and the proposed new discharger of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.(2) of this reporting requirement.

10. The discharger shall conduct monitoring and submit reports in accordance with

Monitoring and Reporting Program (MRP) No. 2000-11. Monitoring results shall be reported at the intervals specified in MRP No. 2000-11.

11. The discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. A 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 recurrence of the noncompliance. The Executive Officer, or an authorized representative may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following shall be included as information which must be reported within 24 hours under this reporting requirement:

a. Any unanticipated bypass which exceeds any effluent limitation in this Order;

b. Any upset which exceeds any effluent limitation in this Order;

c. Violation of a daily maximum effluent limitation as specified in this Order for the following pollutants:

(1) Chronic Toxicity
(2) Arsenic
(3) Cadmium
(4) Chromium (Hexavalent)
(5) Copper
(6) Lead
(7) Mercury
(8) Nickel
(9) Selenium
(10) Silver
(11) Zinc
(12) Cyanide
(13) Total Chlorine Residual
(14) Ammonia
(15) Phenolic Compounds (non-chlorinated)
(16) Chlorinated Phenolics
(17) Endosulfan
(18) Endrin
(19) HCH

d. Any violation of effluent limitations for acute toxicity as specified in this Order;

e. Any violation of the prohibitions of this Order; and

f. Any finding of levels of bacteria in a receiving water sample which exceeds bacterial water quality objectives specified in Receiving Water Limitation C.1.a.(1) of this Order.

12. The discharger shall furnish to the Executive Officer, SWRCB Executive Director, or USEPA, within a reasonable time, any information which the Executive Officer, SWRCB Executive Director, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The discharger shall also furnish to the Executive Officer, SWRCB Executive Director, or USEPA, upon request, copies of records required to be kept by this Order.

13. The discharger shall report all instances of noncompliance not reported under Reporting Requirements G.10, G.11, and G.16 of this Order, at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement G.11 of this Order.

14. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to the Regional Board, it shall promptly submit such facts or information.

15. Whenever a receiving water sample is found to contain levels of bacteria which exceed bacterial water quality objectives specified in Receiving Water Limitation C.1.a.(1) of this Order, the discharger shall immediately notify the County of San Diego Department of Environmental Health Services and post signs prohibiting body contact with the water in all areas affected by the contamination.

16. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

17. The discharger shall submit a written report to the Executive Officer within 90 days after the average dry weather influent flowrate for any 30-day period equals or exceeds 75 percent of the design capacity of the waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

a. Average daily flow for the 30-day period, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day;

b. The discharger's best estimate of when the average daily dry-weather flowrate will equal or exceed the design capacity of the facilities; and

c. The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for the waste treatment and/or disposal facilities, and/or to control the flowrate before the waste flowrate equals the capacity of the POTW's present unit operations and processes.

18. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region. As required by the CWA, Reports of Waste Discharge, this Order, and effluent data shall not be considered confidential.

19. The discharger shall submit reports and provide notifications to the Regional Board and other agencies as specified in this Order. These other agencies include USEPA and the San Diego County Department of Health Services. Reports shall be submitted and notifications shall be made to:

a. Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, California 92124-1324
Phone - (858) 467-2952
Fax - (858) 571-6972

b. Regional Administrator
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

c. Department of Environmental Health
County of San Diego
P.O. Box 129261
San Diego, California 92112-9261
Phone - (619) 338-2222 [Monday – Friday, 7:30 AM to 4:30 PM]
After Hours - (858) 565-5255 [County Communications Dispatch, request dispatcher to page the Hazardous Materials Specialist]
Fax - (619) 338-2848

d. Office of Emergency Services (OES)
Phone - (916) 262-1621 or 1- (800) 852-7550
Fax - (916) 262-1677

e. Regulatory Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 944213
Sacramento, CA 94244-2130

H. NOTIFICATIONS

1. California Water Code Section 13263(g) states:

> No discharge of waste into the waters of the state, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. *All discharges of waste into waters of the state are privileges, not rights.*

2. The discharger is held accountable for responsibilities, liabilities, legal actions, and penalties as stated in Attachment No. 3 and Attachment No. 5 of this Order.

3. This Order shall become effective 10 days after the date of its adoption provided the Regional Administrator, USEPA, has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.

4. This Order supersedes Order No. 95-07 when this Order becomes effective.

I, John H. Robertus, Executive Officer of the San Diego Regional Water Quality Control Board, do hereby certify the foregoing is a full, true, and correct copy of Order No. 2000-11 adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2000.

JOHN H. ROBERTUS
Executive Officer

ORDER NO. 2000-11 ENDNOTES

1 Secondary treatment is defined by the USEPA Administrator in the federal regulations (40 CFR Part 133.100 to 40 CFR Part 133.105) in terms of three parameters: 5-day biochemical oxygen demand (BOD_5), total suspended solids (TSS), and pH. Federal regulations allow substitution of 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) limitations for BOD_5 limitations. See also Finding No. 34 of this Order.

2 Effluent concentration limitations are specified in the 1997 Ocean Plan, Table A. For consistency with antidegradation policies, mass emission rate (MER) limitations, where applicable, were determined using procedures outlined in the 1997 Ocean Plan, Equation 2, and a flowrate of 16.2 MGallons/ Day, as described in Finding Nos. 35 and 36 of this Order.

3 Effluent limitations were determined using the procedures outlined in the 1997 Ocean Plan, and an initial dilution of 82. Mass emission rate (MER) limitations were determined using procedures outlined in the 1997 Ocean Plan, Equation 2, and a flowrate of 16.2 MGallons/ Day.

4 The discharger may, at its option, meet this limitation as a total chromium limitation.

5 If the discharger can demonstrate to the satisfaction of the Regional Board (subject to EPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by Standard Methods 412 F, G, and H (Standard Methods for the Examination of Water and Wastewater, Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Pollution Control Federation, most recent edition).

6 The effluent concentration and mass emission rate limitations for total chlorine residual are based on a continuous discharge of chlorine. Effluent concentration limitations for total chlorine residual, which are applicable to intermittent discharges not exceeding 2 hours, shall be determined through the use of the following equations:

$$\log Co = -0.43 (\log x) + 1.8$$
$$Ce = Co + Dm (Co - Cs)$$

where:

- Co = the concentration (in ug/L) to be met at the completion of initial dilution
- x = the duration of uninterrupted chlorine discharge in minutes
- Ce = the effluent concentration limitation (in ug/L) to apply when chlorine is being intermittently discharged
- Dm = the minimum probable initial dilution
- Cs = the background seawater concentration = 0

7 Endosulfan shall mean the sum of endosulfan-alpha and -beta and endosulfan sulfate.

8 HCH shall mean the sum of the alpha, beta, gamma (lindane) and delta isomers of hexachlorocyclohexane.

9 The 1997 Ocean Plan refers to limits specified in Title 17, Division 5, Chapter 4, Group 3, Article 3, Section 32069 of the California Code of Regulations. The referenced section has since been repealed and the limitations set forth in this Order will be substituted. According to SWRCB staff, the change will be reflected in subsequent Ocean Plan revisions.

10 Dichlorobenzenes shall mean the sum of 1,2- and 1,3-dichlorobenzene.

11 Chlordane shall mean the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

12 DDT shall mean the sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 2,4'DDE, 4,4'DDD, and 2,4'DDD.

13 Halomethanes shall mean the sum of bromoform, bromomethane (methyl bromide), chloromethane (methyl chloride), chlorodibromomethane, and dichlorobromomethane.

14 Heptachlor shall mean the sum of heptachlor and heptachlor epoxide.

15 PAHs (polynuclear aromatic hydrocarbons) shall mean the sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene and pyrene.

16 PCBs (polychlorinated biphenyls) shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254 and Aroclor-1260.

17 TCDD EQUIVALENTS shall mean the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below.

Isomer Group	Toxicity Equivalence Factor
2,3,7,8-tetra CDD	1.0
2,3,7,8-penta CDD	0.5
2,3,7,8-hexa CDDs	0.1
2,3,7,8-hepta CDD	0.01
octa CDD	0.001
2,3,7,8 tetra CDF	0.1
1,2,3,7,8 penta CDF	0.05
2,3,4,7,8 penta CDF	0.5
2,3,7,8 hexa CDFs	0.1
2,3,7,8 hepta CDFs	0.01
octa CDF	0.001

ATTACHMENT NO. 1

1997 CALIFORNIA OCEAN PLAN
CHAPTER V
DISCHARGE PROHIBITIONS

A. Hazardous Substances

The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste* into the ocean* is prohibited.

B. Areas of Special Biological Significance

Waste* shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.

C. Sludge

Pipeline discharge of sludge to the ocean* is prohibited by federal law; the discharge of municipal and industrial waste* sludge directly to the ocean*, or into a waste* stream that discharges to the ocean*, is prohibited by this Plan. The discharge of sludge digester supernatant directly to the ocean*, or to a waste* stream that discharges to the ocean* without further treatment, is prohibited.

It is the policy of the SWRCB that the treatment, use and disposal of sewage sludge shall be carried out in the manner found to have the least adverse impact on the total natural and human environment. Therefore, if federal law is amended to permit such discharge, which could affect California waters, the SWRCB may consider requests for exceptions to this section under Chapter VI, F. of this Plan, provided further that an Environmental Impact Report on the proposed project shows clearly that any available alternative disposal method will have a greater adverse environmental impact than the proposed project.

D. By-Passing

The by-passing of untreated wastes* containing concentrations of pollutants in excess of those of Table A or Table B to the ocean* is prohibited.

Please refer to the 1997 California Ocean Plan, as revised, for further information.

ATTACHMENT NO. 2

1994 WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) WASTE DISCHARGE PROHIBITIONS

California Water Code Section 13243 provides that a Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person as defined by Section 13050(c) of the California Water Code and to any person who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the San Diego Region.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050, is prohibited.

2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264, is prohibited.

3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited

4. The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited.

5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.

6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.

7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.

8. Any discharge to a storm water conveyance system that is not composed entirely of storm water is prohibited unless authorized by the Regional Board. (The federal regulations, 40

CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharge resulting from fire fighting activities.) (§122.26 amended at 56 FR 56553, November 5, 1991 57 FR 11412, April 2, 1992).

9. The authorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.

10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in California Water Code Section 13264, is prohibited.

11. The discharge of radioactive waste amenable to alternative methods of disposal into the waters of the state is prohibited.

12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.

13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.

14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

15. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.

16. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.

17. The discharge of treated sewage from vessels to portion of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.

18. The discharge of treated sewage from vessels, which do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep a mean lower low water (MLLW) is prohibited.

ATTACHMENT NO. 3

40 CFR STANDARD PROVISION REFERENCES

40 CFR 122.5 Effect of a permit.

40 CFR 122.5(a)

(a) Applicable to State programs, see §123.25.

40 CFR 122.5(a)(1)

(1) Except for any toxic effluent standards and prohibitions imposed under section 307 of the CWA and "standards for sewage sludge use or disposal" under §405(d) of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403, and 405(a)-(b) of the CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§122.62 and 122.64.

40 CFR 122.5(a)(2)

(2) Compliance with a permit condition which implements a particular "standard for sewage sludge use or disposal" shall be an affirmative defense in any enforcement action brought for a violation of that "standard for sewage sludge use or disposal" pursuant to sections 405(e) and 309 of the CWA.

40 CFR 122.5(b)

(b) Applicable to State programs, See §123.25. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

40 CFR 122.5(c)

(c) The issuance of a permit 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 CFR 122.21 Application for a permit (applicable to State programs, see §123.25).

40 CFR 122.21(a)

(a) Duty to apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a "sludge-only facility" and who does not have an effective permit, except persons covered by general permits under §122.28, excluded under §122.3, or a user of a privately owned treatment works unless the Director requires otherwise under §122.44(m), shall submit a complete application (which shall include a Best Management Practices (BMP) program if necessary under 40 CFR 125.102) to the Director in accordance with this section and part 124.

40 CFR 122.21(b)

(b) Duty to Apply. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

40 CFR 122.21(c)

(c) Time to apply.

40 CFR 122.21(c)(1)

(1) Any person proposing a new discharge, shall submit an application at least 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the Director. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity. Facilities described under §122.26(b)(14)(x) shall submit applications at least 90 days before the date on which construction is to commence. Different submittal dates may be required under the terms of applicable general permits. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 90 or 180 day requirements to avoid delay. See also paragraph (k) of this section and §122.26(c)(1)(i)(G) and (c)(1)(ii). New discharges composed entirely of storm water, other than those dischargers identified by §122.26(a)(1), shall apply for and obtain a permit according to the application requirements in §122.26(g). [§122.21(c)(1) amended at 60 FR 17957, April 7, 1995; 60 FR 40235, Aug. 7, 1995]

40 CFR 122.21(c)(2)

(2) Permits under section 405(f) of the CWA.

40 CFR 122.21(c)(2)(i)

(i) Any existing "treatment works treating domestic sewage" required to have, or requesting site-specific pollutant limits as provided in 40 CFR part 503, must submit the permit application information required by paragraph (d)(3)(ii) of this section within 180 days after publication of a standard applicable to its sewage sludge use or disposal practice(s). After this 180 day period, "treatment works treating domestic sewage" may only apply for site-specific pollutant limits for good cause and such requests must be made within 180 days of becoming aware that good cause exists. [New §122.21(c)(2)(i) added at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(ii)

(ii) Any "treatment works treating domestic sewage" with a currently effective NPDES permit, not addressed under paragraph (c)(2)(i) of this section, must submit the application information required by paragraph (d)(3)(ii) of this section at the time of its next NPDES permit renewal application. Such information must be submitted in accordance with paragraph (d) of this section. [Former §122.21(c)(2)(i) revised and redesignated as new (ii) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(iii)

(iii) Any other existing "treatment works treating domestic sewage" not addressed under paragraphs (c)(2)(i) or (ii) of this section must submit the information listed in paragraphs (c)(2)(iii)(A) - (E) of this section, to the Director within 1 year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The Director shall determine when such "treatment works treating domestic sewage" must apply for a permit.

40 CFR 122.21(c)(2)(iii)(A)

(A) Name, mailing address and location of the "treatment works treating domestic sewage;"

40 CFR 122.21(c)(2)(iii)(B)

(B) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public or other entity;

40 CFR 122.21(c)(2)(iii)(C)

(C) A description of the sewage sludge use or disposal practices (including, where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land, if different from the "treatment works treating domestic sewage," and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the "treatment works treating domestic sewage");

40 CFR 122.21(c)(2)(iii)(D)

(D) Annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

40 CFR 122.21(c)(2)(iii)(E)

(E) The most recent data the "treatment works treating domestic sewage" may have on the quality of the sewage sludge. [Former §122.21(c)(2)(ii) revised and redesignated as new (iii) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(iv)

(iv) Notwithstanding paragraphs (c)(2)(i), (ii), or (iii) of this section, the Director may require permit applications from any "treatment works treating domestic sewage" at any time if the Director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge. [New §122.21(c)(2)(iv) added at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(v)

(v) Any "treatment works treating domestic sewage" that commences operations after promulgation of an applicable "standard for sewage sludge use or disposal" shall submit

an application to the Director at least 180 days prior to the date proposed for commencing operations. [Former §122.21(c)(2)(iii) redesignated as new (v) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(d)

(d) Duty to reapply.

40 CFR 122.21(d)(1)

(1) Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

40 CFR 122.21(d)(2)

(2) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

40 CFR 122.21(d)(2)(i)

(i) The Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and

40 CFR 122.21(d)(3)

(3)(i) All applicants for EPA-issued permits, other than POTWs, new sources, and "sludge-only facilities," must complete Forms 1 and either 2b or 2c of the consolidated permit application forms to apply under §122.21 and paragraphs (f), (g), and (h) of this section.

40 CFR 122.21(d)(3)(ii)

(ii) In addition to any other applicable requirements in this part, all POTWs and other "treatment works treating domestic sewage," including "sludge-only facilities," must submit with their applications the information listed at 40 CFR 501.15(a)(2) within the time frames established in paragraph (c)(2) of this section.

40 CFR 122.21(e)

(e) Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For EPA administered NPDES programs, an application which is reviewed under §124.3 is complete when the Director receives either a complete application or the information listed in a notice of deficiency.

40 CFR 122.21(f)

(f) Information requirements. All applicants for NPDES permits shall provide the following information to the Director, using the application form provided by the Director (additional information required of applicants is set forth in paragraphs (g) through (k) of this section).

40 CFR 122.21(f)(1)

(1) The activities conducted by the applicant which require it to obtain an NPDES permit.

40 CFR 122.21(f)(2)

(2) Name, mailing address, and location of the facility for which the application is submitted.

40 CFR 122.21(f)(3)

(3) Up to four SIC codes which best reflect the principal products or services provided by the facility.

40 CFR 122.21(f)(4)

(4) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

40 CFR 122.21(f)(5)

(5) Whether the facility is located on Indian lands.

40 CFR 122.21(f)(6)

(6) A listing of all permits or construction approvals received or applied for under any of the following programs:

40 CFR 122.21(f)(6)(i)

(i) Hazardous Waste Management program under RCRA.

40 CFR 122.21(f)(6)(ii)

(ii) UIC program under SDWA.

40 CFR 122.21(f)(6)(iii)

(iii) NPDES program under CWA.

40 CFR 122.21(f)(6)(iv)

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

40 CFR 122.21(f)(6)(v)

(v) Nonattainment program under the Clean Air Act.

40 CFR 122.21(f)(6)(vi)

(vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

40 CFR 122.21(f)(6)(vii)

(vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

40 CFR 122.21(f)(6)(viii)

(viii) Dredge or fill permits under section 404 of CWA.

40 CFR 122.21(f)(6)(ix)

(ix) Other relevant environmental permits, including State permits.

40 CFR 122.21(f)(7)

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

40 CFR 122.21(f)(8)

(8) A brief description of the nature of the business.

40 CFR 122.21(g)

(g) Application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers. Existing manufacturing, commercial mining, and silvicultural dischargers applying for NPDES permits, except for those facilities subject to the requirements of §122.21(h), shall provide the following information to the Director, using application forms provided by the Director.

40 CFR 122.21(g)(1)

(1) Outfall location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water.

40 CFR 122.21(g)(2)

(2) Line drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under paragraph (g)(3) of this section. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

40 CFR 122.21(g)(3)

(3) Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms (for example, "dye-making reactor", "distillation tower"). For a privately owned treatment works, this information shall include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated.

40 CFR 122.21(g)(4)

(4) Intermittent flows. If any of the discharges described in paragraph (g)(3) of this section are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for stormwater runoff, spillage or leaks).

40 CFR 122.21(g)(5)

(5) Maximum production. If an effluent guideline promulgated under section 304 of CWA applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure must reflect the actual production of the facility as required by §122.45(b)(2).

40 CFR 122.21(g)(6)

(6) Improvements. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

40 CFR 122.21(g)(7)

(7) Effluent characteristics. Information on the discharge of pollutants specified in this paragraph (except information on storm water discharges which is to be provided as specified in §122.26). When "quantitative data" for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls. The requirements in paragraphs (g)(7)(iii) and (iv) of this section that an applicant must provide quantitative data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an

applicant must report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus. For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, for discharges other than storm water discharges, the Director may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four (4) grab samples will be a representative sample of the effluent being discharged. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. For all applicants, a flow – weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes (applicants submitting permit applications for storm water discharges under §122.26(d) may collect flow weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Director). However, a minimum of one grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than 24 hours. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required. For storm water discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in §122.26(c)(1). For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in §122.26 except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus. The Director may allow or establish appropriate site- specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples under 40 CFR part 136, and additional time for submitting data on a case-by-case basis. An applicant is expected to "know or have reason to believe" that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility.)

40 CFR 122.21(g)(7)(i)

(i) (A) Every applicant must report quantitative data for every outfall for the following pollutants:

Biochemical Oxygen Demand (BOD5)
Chemical Oxygen Demand
Total Organic Carbon
Total Suspended Solids
Ammonia (as N)
Temperature (both winter and summer)
pH

40 CFR 122.21(g)(7)(i)(B)

(B) The Director may waive the reporting requirements for individual point sources or for a particular industry category for one or more of the pollutants listed in paragraph (g)(7)(i)(A) of this section if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

40 CFR 122.21(g)(7)(ii)

(ii) Each applicant with processes in one or more primary industry category (see appendix A to part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater.

40 CFR 122.21(g)(7)(ii)(A)

(A) The organic toxic pollutants in the fractions designated in table I of appendix D of this part for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph (g)(8) of this section. Table II of appendix D of this part lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes. [See Notes 2, 3, and 4 of this section.]

40 CFR 122.21(g)(7)(ii)(B)

(B) The pollutants listed in table III of appendix D of this part (the toxic metals, cyanide, and total phenols).

40 CFR 122.21(g)(7)(iii)

(iii) (A) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in table IV of appendix D (certain conventional and non-conventional pollutants) is discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant

through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

40 CFR 122.21(g)(7)(iii)(B)

(B) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in table II or table III of appendix D (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under paragraph (g)(7)(ii) of this section, is discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, in concentrations less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under paragraph (g)(8) of this section is not required to analyze for pollutants listed in table II of appendix D (the organic toxic pollutants).

40 CFR 122.21(g)(7)(iv)

(iv) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in table V of appendix D of this part (certain hazardous substances and asbestos) are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

40 CFR 122.21(g)(7)(v)

(v) Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:

40 CFR 122.21(g)(7)(v)(A)

(A) Uses or manufactures 2,4,5- trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5- trichlorophenol (TCP); or hexachlorophene (HCP); or

40 CFR 122.21(g)(7)(v)(B)

(B) Knows or has reason to believe that TCDD is or may be present in an effluent.

40 CFR 122.21(g)(8)

(8) Small business exemption. An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in paragraph (g)(7)(ii)(A) or

(g)(7)(iii)(A) of this section to submit quantitative data for the pollutants listed in table II of appendix D of this part (the organic toxic pollutants):

40 CFR 122.21(g)(8)(i)

(i) For coal mines, a probable total annual production of less than 100,000 tons per year.

40 CFR 122.21(g)(8)(ii)

(ii) For all other applicants, gross total annual sales averaging less than $100,000 per year (in second quarter 1980 dollars).

40 CFR 122.21(g)(9)

(9) Used or manufactured toxics. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or byproduct. The Director may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the Director has adequate information to issue the permit.

40 CFR 122.21(g)(10)

(10) [Reserved]

40 CFR 122.21(g)(11)

(11) Biological toxicity tests. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last 3 years on any of the applicant's discharges or on a receiving water in relation to a discharge.

40 CFR 122.21(g)(12)

(12) Contract analyses. If a contract laboratory or consulting firm performed any of the analyses required by paragraph (g)(7) of this section, the identity of each laboratory or firm and the analyses performed.

40 CFR 122.21(g)(13)

(13) Additional information. In addition to the information reported on the application form, applicants shall provide to the Director, at his or her request, such other information as the Director may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

40 CFR 122.21(h)

(h) Application requirements for manufacturing, commercial, mining and silvicultural facilities which discharge only non-process wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits which discharge only non-process wastewater not regulated by an

effluent limitations guideline or new source performance standard shall provide the following information to the Director, using application forms provided by the Director.

40 CFR 122.21(h)(1)

(1) Outfall location. Outfall number, latitude and longitude to the nearest 15 seconds, and the name of the receiving water.

40 CFR 122.21(h)(2)

(2) Discharge date (for new dischargers). Date of expected commencement of discharge.

40 CFR 122.21(h)(3)

(3) Type of waste. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or non-contact cooling water. An identification of cooling water additives (if any) that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available.

40 CFR 122.21(h)(4)

(4) Effluent characteristics.

40 CFR 122.21(h)(4)(i)

(i) Quantitative data for the pollutants or parameters listed below, unless testing is waived by the Director. The quantitative data may be data collected over the past 365 days, if they remain representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken. The applicant must collect and analyze samples in accordance with 40 CFR part 136. Grab samples must be used for pH, temperature, oil and grease, total residual chlorine, and fecal coliform. For all other pollutants, 24-hour composite samples must be used. New dischargers must include estimates for the pollutants or parameters listed below instead of actual sampling data, along with the source of each estimate. All levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature.

40 CFR 122.21(h)(4)(i)(A)

(A) Biochemical Oxygen Demand (BOD5).

40 CFR 122.21(h)(4)(i)(B)

(B) Total Suspended Solids (TSS).

40 CFR 122.21(h)(4)(i)(C)

(C) Fecal Coliform (if believed present or if sanitary waste is or will be discharged).

40 CFR 122.21(h)(4)(i)(D)

(D) Total Residual Chlorine (if chlorine is used).

40 CFR 122.21(h)(4)(i)(E)
(E) Oil and Grease.

40 CFR 122.21(h)(4)(i)(F)
(F) Chemical Oxygen Demand (COD) (if non-contact cooling water is or will be discharged).

40 CFR 122.21(h)(4)(i)(G)
(G) Total Organic Carbon (TOC) (if non-contact cooling water is or will be discharged).

40 CFR 122.21(h)(4)(i)(H)
(H) Ammonia (as N).

40 CFR 122.21(h)(4)(i)(I)
(I) Discharge Flow.

40 CFR 122.21(h)(4)(i)(J)
(J) pH.

40 CFR 122.21(h)(4)(i)(K)
(K) Temperature (Winter and Summer).

40 CFR 122.21(h)(4)(ii)
(ii) The Director may waive the testing and reporting requirements for any of the pollutants or flow listed in paragraph (h)(4)(i) of this section if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of a permit can be obtained through less stringent requirements.

40 CFR 122.21(h)(4)(iii)
(iii) If the applicant is a new discharger, he must complete and submit Item IV of Form 2e (see §122.21(h)(4)) by providing quantitative data in accordance with that section no later than two years after commencement of discharge. However, the applicant need not complete those portions of Item IV requiring tests which he has already performed and reported under the discharge monitoring requirements of his NPDES permit.

40 CFR 122.21(h)(4)(iv)
(iv) The requirements of parts i and iii of this section that an applicant must provide quantitative data or estimates of certain pollutants do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report such pollutants as present. Net credit may be provided for the presence of pollutants in intake water if the requirements of §122.45(g) are met.

40 CFR 122.21(h)(5)

(5) Flow. A description of the frequency of flow and duration of any seasonal or intermittent discharge (except for stormwater runoff, leaks, or spills).

40 CFR 122.21(h)(6)

(6) Treatment system. A brief description of any system used or to be used.

40 CFR 122.21(h)(7)

(7) Optional information. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining "net" credits pursuant to §122.45(g).

40 CFR 122.21(h)(8)

(8) Certification. Signature of certifying official under §122.22.

40 CFR 122.21(i)

(i) Application requirements for new and existing concentrated animal feeding operations and aquatic animal production facilities. New and existing concentrated animal feeding operations (defined in §122.23) and concentrated aquatic animal production facilities (defined in §122.24) shall provide the following information to the Director, using the application form provided by the Director:

40 CFR 122.21(i)(1)

(1) For concentrated animal feeding operations:

40 CFR 122.21(i)(1)(i)

(i) The type and number of animals in open confinement and housed under roof.

40 CFR 122.21(i)(1)(ii)

(ii) The number of acres used for confinement feeding.

40 CFR 122.21(i)(1)(iii)

(iii) The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

40 CFR 122.21(i)(2)

(2) For concentrated aquatic animal production facilities:

40 CFR 122.21(i)(2)(i)

(i) The maximum daily and average monthly flow from each outfall.

40 CFR 122.21(i)(2)(ii)

(ii) The number of ponds, raceways, and similar structures.

40 CFR 122.21(i)(2)(iii)

(iii) The name of the receiving water and the source of intake water.

40 CFR 122.21(i)(2)(iv)

(iv) For each species of aquatic animals, the total yearly and maximum harvestable weight.

40 CFR 122.21(i)(2)(v)

(v) The calendar month of maximum feeding and the total mass of food fed during that month.

40 CFR 122.21(j)

(j) Application requirements for new and existing POTWs.

40 CFR 122.21(j)(1)

(1) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Director:

40 CFR 122.21(j)(1)(i)

(i) All POTWs with design influent flows equal to or greater than one million gallons per day;

40 CFR 122.21(j)(1)(ii)

(ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;

40 CFR 122.21(j)(2)

(2) In addition to the POTWs listed in paragraph (j)(1) of this section, the Director may require other POTWs to submit the results of toxicity tests with their permit applications, based on consideration of the following factors:

40 CFR 122.21(j)(2)(i)

(i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);

40 CFR 122.21(j)(2)(ii)

(ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);

40 CFR 122.21(j)(2)(iii)

(iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;

40 CFR 122.21(j)(2)(iv)

(iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or

40 CFR 122.21(j)(2)(v)

(v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Director determines could cause or contribute to adverse water quality impacts.

40 CFR 122.21(j)(3)

(3) For POTWs required under paragraph (j)(1) or (j)(2) of this section to conduct toxicity testing, POTWs shall use EPA's methods or other established protocols which are scientifically defensible and sufficiently sensitive to detect aquatic toxicity. Such testing must have been conducted since the last NPDES permit reissuance or permit modification under 40 CFR 122.62(a), whichever occurred later.

40 CFR 122.21(j)(4)

(4) All POTWs with approved pretreatment programs shall provide the following information to the Director: a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1).

40 CFR 122.21(k)

(k) Application requirements for new sources and new discharges. New manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits (except for new discharges of facilities subject to the requirements of paragraph (h) of this section or new discharges of storm water associated with industrial activity which are subject to the requirements of §122.26(c)(1) and this section (except as provided by §122.26(c)(1)(ii)) shall provide the following information to the Director, using the application forms provided by the Director:

40 CFR 122.21(k)(1)

(1) Expected outfall location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water.

40 CFR 122.21(k)(2)

(2) Discharge dates. The expected date of commencement of discharge.

40 CFR 122.21(k)(3)

(3) Flows, sources of pollution, and treatment technologies.

40 CFR 122.21(k)(3)(i)

(i) Expected treatment of wastewater. Description of the treatment that the wastewater will receive, along with all operations contributing wastewater to the effluent, average flow contributed by each operation, and the ultimate disposal of any solid or liquid wastes not discharged.

40 CFR 122.21(k)(3)(ii)

(ii) Line drawing. A line drawing of the water flow through the facility with a water balance as described in §122.21(g)(2) .

40 CFR 122.21(k)(3)(iii)

(iii) Intermittent flows. If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration and maximum daily flow rate of each discharge occurrence (except for stormwater runoff, spillage, or leaks).

40 CFR 122.21(k)(4)

(4) Production. If a new source performance standard promulgated under section 306 of CWA or an effluent limitation guideline applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard as required by §122.45(b)(2) for each of the first three years. Alternative estimates may also be submitted if production is likely to vary.

40 CFR 122.21(k)(5)

(5) Effluent characteristics. The requirements in paragraphs (h)(4)(i), (ii), and (iii) of this section that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water; however, an applicant must report such pollutants as present. Net credits may be provided for the presence of pollutants in intake water if the requirements of §122.45(g) are met. All levels (except for discharge flow, temperature, and pH) must be estimated as concentration and as total mass.

40 CFR 122.21(k)(5)(i)

(i) Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants or parameters. The Director may waive the reporting requirements for any of these pollutants and parameters if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

40 CFR 122.21(k)(5)(i)(A)

(A) Biochemical Oxygen Demand (BOD).

40 CFR 122.21(k)(5)(i)(B)

(B) Chemical Oxygen Demand (COD).

40 CFR 122.21(k)(5)(i)(C)

(C) Total Organic Carbon (TOC).

40 CFR 122.21(k)(5)(i)(D)

(D) Total Suspended Solids (TSS).

40 CFR 122.21(k)(5)(i)(E)

(E) Flow.

40 CFR 122.21(k)(5)(i)(F)

(F) Ammonia (as N).

40 CFR 122.21(k)(5)(i)(G)

(G) Temperature (winter and summer).

40 CFR 122.21(k)(5)(i)(H)

(H) pH.

40 CFR 122.21(k)(5)(ii)

(ii) Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants, if the applicant knows or has reason to believe they will be present or if they are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant: all pollutants in table IV of appendix D of part 122 (certain conventional and non-conventional pollutants).

40 CFR 122.21(k)(5)(iii)

(iii) Each applicant must report estimated daily maximum, daily average and source of information for the following pollutants if he knows or has reason to believe that they will be present in the discharges from any outfall:

40 CFR 122.21(k)(5)(iii)(A)

(A) The pollutants listed in table III of appendix D (the toxic metals, in the discharge from any outfall: Total cyanide, and total phenols);

40 CFR 122.21(k)(5)(iii)(B)

(B) The organic toxic pollutants in table II of appendix D (except bis (chloromethyl) ether, dichlorofluoro- methane and trichlorofluoro- methane). This requirement is waived for applicants with expected gross sales of less than $100,000 per year for the next three years, and for coal mines with expected average production of less than 100,000 tons of coal per year.

40 CFR 122.21(k)(5)(iv)

(iv) The applicant is required to report that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) may be discharged if he uses or manufactures one of the following compounds, or if he knows or has reason to believe that TCDD will or may be present in an effluent:

40 CFR 122.21(k)(5)(iv)(A)

(A) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS #93-76-5);

40 CFR 122.21(k)(5)(iv)(B)

(B) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93- 72-1);

40 CFR 122.21(k)(5)(iv)(C)

(C) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4);

40 CFR 122.21(k)(5)(iv)(D)

(D) 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3);

40 CFR 122.21(k)(5)(iv)(E)

(E) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or

40 CFR 122.21(k)(5)(iv)(F)

(F) Hexachlorophene (HCP) (CAS #70-30-4);

40 CFR 122.21(k)(5)(v)

(v) Each applicant must report any pollutants listed in table V of appendix D (certain hazardous substances) if he believes they will be present in any outfall (no quantitative estimates are required unless they are already available).

40 CFR 122.21(k)(5)(vi)

(vi) No later than two years after the commencement of discharge from the proposed facility, the applicant is required to complete and submit Items V and VI of NPDES application Form 2c (see §122.21(g)). However, the applicant need not complete those portions of Item V requiring tests which he has already performed and reported under the discharge monitoring requirements of his NPDES permit.

40 CFR 122.21(k)(6)

(6) Engineering Report. Each applicant must report the existence of any technical evaluation concerning his wastewater treatment, along with the name and location of similar plants of which he has knowledge.

40 CFR 122.21(k)(7)

(7) Other information. Any optional information the permittee wishes to have considered.

40 CFR 122.21(k)(8)

(8) Certification. Signature of certifying official under §122.22.

40 CFR 122.21(l)

(l) Special provisions for applications from new sources.

40 CFR 122.21(l)(1)

(1) The owner or operator of any facility which may be a new source(as defined in §122.2) and which is located in a State without an approved NPDES program must comply with the provisions of this paragraph.

40 CFR 122.21(l)(2)

(2)(i) Before beginning any on-site construction as defined in §122.29, the owner or operator of any facility which may be a new source must submit information to the Regional Administrator so that he or she can determine if the facility is a new source. The Regional Administrator may request any additional information needed to determine whether the facility is a new source.

40 CFR 122.21(l)(2)(ii)

(ii) The Regional Administrator shall make an initial determination whether the facility is a new source within 30 days of receiving all necessary information under paragraph (k)(2)(i) of this section.

40 CFR 122.21(l)(3)

(3) The Regional Administrator shall issue a public notice in accordance with §124.10 of the new source determination under paragraph (k)(2) of this section. If the Regional Administrator has determined that the facility is a new source, the notice shall state that the applicant must comply with the environmental review requirements of 40 CFR 6.600 et seq.

40 CFR 122.21(l)(4)

(4) Any interested person may challenge the Regional Administrator's initial new source determination by requesting an evidentiary hearing under subpart E of part 124 within 30 days of issuance of the public notice of the initial determination. If all parties to the evidentiary hearing on the determination agree, the Regional Administrator may defer the hearing until after a final permit decision is made, and consolidate the hearing on the determination with any hearing on the permit.

40 CFR 122.21(m)

(m) Variance requests by non-POTWs. A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this paragraph:

40 CFR 122.21(m)(1)

(1) Fundamentally different factors.

40 CFR 122.21(m)(1)(i)

(i) A request for a variance based on the presence of "fundamentally different factors" from those on which the effluent limitations guideline was based shall be filed as follows:

40 CFR 122.21(m)(1)(i)(A)

(A) For a request from best practicable control technology currently available (BPT), by the close of the public comment period under §124.10.

40 CFR 122.21(m)(1)(i)(B)

(B) For a request from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than:

40 CFR 122.21(m)(1)(i)(B)(1)

(1) July 3, 1989, for a request based on an effluent limitation guideline promulgated before February 4, 1987, to the extent July 3, 1989 is not later than that provided under previously promulgated regulations; or

40 CFR 122.21(m)(1)(i)(B)(2)

(2) 180 days after the date on which an effluent limitation guideline is published in the FEDERAL REGISTER for a request based on an effluent limitation guideline promulgated on or after February 4, 1987.

40 CFR 122.21(m)(1)(ii)

(ii) The request shall explain how the requirements of the applicable regulatory and/or statutory criteria have been met.

40 CFR 122.21(m)(2)

(2) Non-conventional pollutants. A request for a variance from the BAT requirements for CWA section 301(b)(2)(F) pollutants (commonly called "non-conventional" pollutants) pursuant to section 301(c) of the CWA because of the economic capability of the owner or operator, or pursuant to section 301(g) of the CWA (provided however that a §301(g) variance may only be requested for ammonia; chlorine; color; iron; total phenols (4AAP) (when determined by the Administrator to be a pollutant covered by section 301(b)(2)(F)) and any other pollutant which the Administrator lists under section 301(g)(4) of the CWA) must be made as follows:

40 CFR 122.21(m)(2)(i)

(i) For those requests for a variance from an effluent limitation based upon an effluent limitation guideline by:

40 CFR 122.21(m)(2)(i)(A)

(A) Submitting an initial request to the Regional Administrator, as well as to the State Director if applicable, stating the name of the discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a section 301(c) or section 301(g) modification or both. This request must have been filed not later than:

40 CFR 122.21(m)(2)(i)(A)(1)

(1) September 25, 1978, for a pollutant which is controlled by a BAT effluent limitation guideline promulgated before December 27, 1977; or

40 CFR 122.21(m)(2)(i)(A)(2)

(2) 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977; and

40 CFR 122.21(m)(2)(i)(B)

(B) Submitting a completed request no later than the close of the public comment period under §124.10 demonstrating that the requirements of §124.13 and the applicable requirements of part 125 have been met. Notwithstanding this provision, the complete application for a request under section 301(g) shall be filed 180 days before EPA must make a decision (unless the Regional Division Director establishes a shorter or longer period).

40 CFR 122.21(m)(2)(ii)

(ii) For those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with paragraph (m)(2)(i)(B) of this section and need not be preceded by an initial request under paragraph (m)(2)(i)(A) of this section.

40 CFR 122.21(m)(3)

(3) [Reserved] [§122.21(m)(3) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(m)(4)

(4) [Reserved] [§122.21(m)(4) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(m)(5)

(5) Water quality related effluent limitations. A modification under section 302(b)(2) of requirements under section 302(a) for achieving water quality related effluent limitations may be requested no later than the close of the public comment period under §124.10 on the permit from which the modification is sought.

40 CFR 122.21(m)(6)

(6) Thermal discharges. A variance under CWA section 316(a) for the thermal component of any discharge must be filed with a timely application for a permit under

this section, except that if thermal effluent limitations are established under CWA section 402(a)(1) or are based on water quality standards the request for a variance may be filed by the close of the public comment period under §124.10. A copy of the request as required under 40 CFR part 125, subpart H, shall be sent simultaneously to the appropriate State or interstate certifying agency as required under 40CFR part 125. (See §124.65 for special procedures for section 316(a) thermal variances.)

40 CFR 122.21(n)

(n) Variance requests by POTWs. A discharger which is a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory provisions as specified in this paragraph:

40 CFR 122.21(n)(1)

(1) Discharges into marine waters. A request for a modification under CWA section 301(h) of requirements of CWA section 301(b)(1)(B) for discharges into marine waters must be filed in accordance with the requirements of 40 CFR part 125, subpart G.

40 CFR 122.21(n)(2)

(2) [Reserved] [§122.21(n)(2) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(n)(3)

(3) Water quality based effluent limitation. A modification under CWA section 302(b)(2) of the requirements under section 302(a) for achieving water quality based effluent limitations shall be requested no later than the close of the public comment period under §124.10 on the permit from which the modification is sought.

40 CFR 122.21(o)

(o) Expedited variance procedures and time extensions.

40 CFR 122.21(o)(1)

(1) Notwithstanding the time requirements in paragraphs (m) and (n) of this section, the Director may notify a permit applicant before a draft permit is issued under §124.6 that the draft permit will likely contain limitations which are eligible for variances. In the notice the Director may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of part 125 applicable to the variance have been met and may require its submission within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.

40 CFR 122.21(o)(2)

(2) A discharger who cannot file a timely complete request required under paragraph (m)(2)(i)(B) or (m)(2)(ii) of this section may request an extension. The extension may be

granted or denied at the discretion of the Director. Extensions shall be no more than 6 months in duration.

40 CFR 122.21(p)

(p) Recordkeeping. Except for information required by paragraph (d)(3)(ii) of this section, which shall be retained for a period of at least five years from the date the application is signed (or longer as required by 40 CFR part 503), applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least 3 years from the date the application is signed.

[Note 1: At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to coal mines. This revision continues that suspension.]1

[Note 2: At 46 FR 22585, April 20, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:

a. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (subpart C—Low water use processing of 40 CFR part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

b. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

c. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

This revision continues that suspension.]1

[Note 3: At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:

a. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals industry (40 CFR part 454), and testing and reporting for the pesticide and base-neutral fractions in all other subcategories of this industrial category.

b. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

c. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

d. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (subparts J and U) of the Pulp and Paper industry (40 CFR part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated-Tissue Papers (subpart S).

e. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process waste streams of the Steam Electric Power Plant industrial category. [This revision continues that suspension.]1

[Editor's note: Forms 1, 2d, and 2e referenced in the following Appendix are published at the end of this regulation.]

1 Editorial Note: The words "This revision" refer to the document published at 48 FR 14153, April 1, 1983.

40 CFR 122.22 Signatories to permit applications and reports (applicable to State programs, see §123.25).

40 CFR 122.22(a)

(a) Applications. All permit applications shall be signed as follows:

40 CFR 122.22(a)(1)

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding

$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in §122.22(a)(1)(i) . The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under §122.22(a)(1)(ii) rather than to specific individuals.

40 CFR 122.22(a)(2)

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

40 CFR 122.22(a)(3)

(3) For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, 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 EPA).

40 CFR 122.22(b)

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

40 CFR 122.22(b)(1)

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

40 CFR 122.22(b)(2)

(2) 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.) and,

40 CFR 122.22(b)(3)

(3) The written authorization is submitted to the Director.

40 CFR 122.22(c)

(c) Changes to authorization. If an authorization under paragraph (b) of this section 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 paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

40 CFR 122.22(d)

(d) Certification. Any person signing a document under paragraph (a) or (b) of this section 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."

[Editor's note: The authority for §122.22 is the Clean Water Act (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S. C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)]

40 CFR 122.41 Conditions applicable to all permits.

The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in §122.42. All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

40 CFR 122.41(a)

(a) Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

40 CFR 122.41(a)(1)

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act 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 or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

40 CFR 122.41(a)(2)

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

40 CFR 122.41(a)(3)

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

40 CFR 122.41(b)

(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

40 CFR 122.41(c)

(c) 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 permit.

40 CFR 122.41(d)

(d) 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 permit which has a reasonable likelihood of adversely affecting human health or the environment.

40 CFR 122.41(e)

(e) 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 permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

40 CFR 122.41(f)

(f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

40 CFR 122.41(g)

(g) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

40 CFR 122.41(h)

(h) Duty to provide information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

40 CFR 122.41(i)

(i) Inspection and entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

40 CFR 122.41(i)(1)

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

40 CFR 122.41(i)(2)

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

40 CFR 122.41(i)(3)

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

40 CFR 122.41(i)(4)

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

40 CFR 122.41(j)

(j) Monitoring and records.

40 CFR 122.41(j)(1)

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

40 CFR 122.41(j)(2)

(2) Except for records of monitoring information required by this permit 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 CFR 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 permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

40 CFR 122.41(j)(3)

(3) Records of monitoring information shall include:

40 CFR 122.41(j)(3)(i)

(i) The date, exact place, and time of sampling or measurements;

40 CFR 122.41(j)(3)(ii)

(ii) The individual(s) who performed the sampling or measurements;

40 CFR 122.41(j)(3)(iii)

(iii) The date(s) analyses were performed;

40 CFR 122.41(j)(3)(iv)

(iv) The individual(s) who performed the analyses;

40 CFR 122.41(j)(3)(v)

(v) The analytical techniques or methods used; and

40 CFR 122.41(j)(3)(vi)

(vi) The results of such analyses.

40 CFR 122.41(j)(4)

(4) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.

40 CFR 122.41(j)(5)

(5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

40 CFR 122.41(k)

(k) Signatory requirement.

40 CFR 122.41(k)(1)

(1) All applications, reports, or information submitted to the Director shall be signed and certified. (See §122.22)

40 CFR 122.41(k)(2)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or

non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

40 CFR 122.41(l)

(l) Reporting requirements.

40 CFR 122.41(l)(1)

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

40 CFR 122.41(l)(1)(i)

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in §122.29(b); or

40 CFR 122.41(l)(1)(ii)

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under §122.42(a)(1).

40 CFR 122.41(l)(1)(iii)

(iii) 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 CFR 122.41(l)(2)

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

40 CFR 122.41(l)(3)

(3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See §122.61; in some cases, modification or revocation and reissuance is mandatory.)

40 CFR 122.41(l)(4)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

40 CFR 122.41(l)(4)(i)

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

40 CFR 122.41(l)(4)(ii)

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

40 CFR 122.41(l)(4)(iii)

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

40 CFR 122.41(l)(5)

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

40 CFR 122.41(l)(6)

(6) Twenty-four hour reporting.

40 CFR 122.41(l)(6)(i)

(i) The permittee shall report any noncompliance which 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 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 CFR 122.41(l)(6)(ii)

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

40 CFR 122.41(l)(6)(ii)(A)

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g)).

40 CFR 122.41(l)(6)(ii)(B)

(B) Any upset which exceeds any effluent limitation in the permit.

40 CFR 122.41(l)(6)(ii)(C)

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See §122.44(g).)

40 CFR 122.41(l)(6)(iii)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

40 CFR 122.41(l)(7)

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

40 CFR 122.41(l)(8)

(8) Other information. Where 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 Director, it shall promptly submit such facts or information.

40 CFR 122.41(m)

(m) Bypass

40 CFR 122.41(m)(1)

(1) Definitions.

40 CFR 122.41(m)(1)(ii)

(ii) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

40 CFR 122.41(m)(1)(ii)

(ii) "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 which 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 CFR 122.41(m)(2)

(2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this section.

40 CFR 122.41(m)(3)

(3) Notice

40 CFR 122.41(m)(3)(i)

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

40 CFR 122.41(m)(3)(ii)

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

40 CFR 122.41(m)(4)

(4) Prohibition of bypass.

40 CFR 122.41(m)(4)(i)

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

40 CFR 122.41(m)(4)(i)(A)

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

40 CFR 122.41(m)(4)(i)(B)

(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 which occurred during normal periods of equipment downtime or preventive maintenance; and

40 CFR 122.41(m)(4)(i)(C)

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

40 CFR 122.41(m)(4)(ii)

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

40 CFR 122.41(n)

(n) Upset

40 CFR 122.41(n)(1)

(1) Definition. "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 CFR 122.41(n)(2)

(2) 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 paragraph (n)(3) of this section 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 CFR 122.41(n)(3)

(3) 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 CFR 122.41(n)(3)(i)

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

40 CFR 122.41(n)(3)(ii)

(ii) The permitted facility was at the time being properly operated; and

40 CFR 122.41(n)(3)(iii)

(iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).

40 CFR 122.41(n)(3)(iv)

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

40 CFR 122.41(n)(4)

(4) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Clean Water Act (33 U.S.C.1251 et seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) [§122.41 amended at 58 FR 18015, April 7, 1993]

40 CFR 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see Sec. 123.25).

The following conditions, in addition to those set forth in Sec. 122.41, apply to all NPDES permits within the categories specified below:

40 CFR 122.42(a)

(a) Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under Sec. 122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

40 CFR 122.42(a)(1)

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

40 CFR 122.42(a)(1)(i)

(i) One hundred micrograms per liter (100 ug/l);

40 CFR 122.42(a)(1)(ii)

(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

40 CFR 122.42(a)(1)(iii)

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Sec. 122.21(g)(7); or

40 CFR 122.42(a)(1)(iv)

(iv) The level established by the Director in accordance with Sec. 122.44(f).

40 CFR 122.42(a)(2)

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

40 CFR 122.42(a)(2)(i)

(i) Five hundred micrograms per liter (500 ug/l);

40 CFR 122.42(a)(2)(ii)

(ii) One milligram per liter (1 mg/l) for antimony;

40 CFR 122.42(a)(2)(iii)

(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Sec. 122.21(g)(7).

40 CFR 122.42(a)(2)(iv)

(iv) The level established by the Director in accordance with Sec. 122.44(f).

40 CFR 122.42(b)

(b) Publicly owned treatment works. All POTWs must provide adequate notice to the Director of the following:

40 CFR 122.42(b)(1)

(1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and

40 CFR 122.42(b)(2)

(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 issuance of the permit.

40 CFR 122.42(b)(3)

(3) For purposes of this paragraph, adequate notice shall include information on

40 CFR 122.42(b)(3)(i)

(i) the quality and quantity of effluent introduced into the POTW, and

40 CFR 122.42(b)(3)(ii)

(ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

40 CFR 122.42(c)

(c) Municipal separate storm sewer systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Director under Sec. 122.26(a)(1)(v) of this part must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

40 CFR 122.42(c)(1)

(1) The status of implementing the components of the storm water management program that are established as permit conditions;

40 CFR 122.42(c)(2)

(2) Proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with Sec. 122.26(d)(2)(iii) of this part; and

40 CFR 122.42(c)(3)

(3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under Sec. 122.26(d)(2)(iv) and (d)(2)(v) of this part;

40 CFR 122.42(c)(4)

(4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;

40 CFR 122.42(c)(5)

(5) Annual expenditures and budget for year following each annual report;

40 CFR 122.42(c)(6)

(6) A summary describing the number and nature of enforcement actions, inspections, and public education programs;

40 CFR 122.42(c)(7)

(7) Identification of water quality improvements or degradation;

40 CFR 122.42(d)

(d) Storm water discharges. The initial permits for discharges composed entirely of storm water issued pursuant to Sec. 122.26(e)(7) of this part shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

40 CFR 122.61 Transfer of permits (applicable to State programs, see §123.25).

40 CFR 122.61(a)

(a) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under §122.62(b)(2)), or a minor modification made (under §122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

40 CFR 122.61(b)

(b) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

40 CFR 122.61(b)(1)

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;

40 CFR 122.61(b)(2)

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

40 CFR 122.61(b)(3)

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

40 CFR 122.62 Modification or revocation and reissuance of permits (applicable to State programs, see §123.25).

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see §122.41), receives a request for modification or revocation and reissuance under §124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of §124.5(c), and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See §124.5(c) (2). If cause does not exist under this section or §122.63, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in §122.63 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed.

40 CFR 122.62(a)

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees.

40 CFR 122.62(a)(1)

(1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

NOTE: Certain reconstruction activities may cause the new source provisions of §122.29 to be applicable.

40 CFR 122.62(a)(2)

(2) Information. The Director has received new information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For NPDES general permits (§122.28) this cause includes any information indicating that cumulative effects on the environment are unacceptable. For new source or new discharger NPDES permits §§122.21, 122.29), this cause shall include any significant information derived from effluent testing required under §122.21(k)(5)(vi) or §122.21(h)(4)(iii) after issuance of the permit.

40 CFR 122.62(a)(3)

(3) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

40 CFR 122.62(a)(3)(i)

(i) For promulgation of amended standards or regulations, when:

40 CFR 122.62(a)(3)(i)(A)

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved or promulgated water quality standards, or the Secondary Treatment Regulations under part 133; and

40 CFR 122.62(a)(3)(i)(B)

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a State action with regard to a water quality standard on which the permit condition was based; and

40 CFR 122.62(a)(3)(i)(C)

(C) A permittee requests modification in accordance with §124.5 within ninety (90) days after FEDERAL REGISTER notice of the action on which the request is based.

40 CFR 122.62(a)(3)(ii)

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with §124.5 within ninety (90) days of judicial remand.

40 CFR 122.62(a)(3)(iii)

(iii) For changes based upon modified State certifications of NPDES permits, see §124.55(b).

40 CFR 122.62(a)(4)

(4) Compliance schedules. The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may an NPDES compliance schedule be modified to extend beyond an applicable CWA statutory deadline. See also §122.63(c) (minor modifications) and paragraph (a)(14) of this section (NPDES innovative technology).

40 CFR 122.62(a)(5)

(5) When the permittee has filed a request for a variance under CWA section 301(c), 301(g), 301(h), 301(i), 301(k), or 316(a) or for "fundamentally different factors" within the time specified in §122.21 or §125.27(a).

40 CFR 122.62(a)(6)

(6) 307(a) Toxics. When required to incorporate an applicable 307(a) toxic effluent standard or prohibition (see §122.44(b)).

40 CFR 122.62(a)(7)

(7) Reopener. When required by the "reopener" conditions in a permit, which are established in the permit under §122.44(b) (for CWA toxic effluent limitations and standards for sewage sludge use or disposal, see also §122.44(c)) or 40 CFR 403.10(e) (pretreatment program).

40 CFR 122.62(a)(8)

(8)(i) Net limits. Upon request of a permittee who qualifies for effluent limitations on a net basis under §122.45(h).

40 CFR 122.62(a)(8)(ii)

(ii) When a discharger is no longer eligible for net limitations, as provided in §122.45(h)(1)(ii)(B).

40 CFR 122.62(a)(9)

(9) Pretreatment. As necessary under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program).

40 CFR 122.62(a)(10)

(10) Failure to notify. Upon failure of an approved State to notify, as required by section 402(b)(3), another State whose waters may be affected by a discharge from the approved State.

40 CFR 122.62(a)(11)

(11) Non-limited pollutants. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under §125.3(c).

40 CFR 122.62(a)(12)

(12) Notification levels. To establish a "notification level" as provided in §122.44(f).

40 CFR 122.62(a)(13)

(13) Compliance schedules. To modify a schedule of compliance to reflect the time lost during construction of an innovative or alternative facility, in the case of a POTW which has received a grant under section 202(a)(3) of CWA for 100% of the costs to modify or replace facilities constructed with a grant for innovative and alternative wastewater technology under section 202(a)(2). In no case shall the compliance schedule be modified to extend beyond an applicable CWA statutory deadline for compliance.

40 CFR 122.62(a)(14)

(14) [Reserved] [§122.62(a)(14) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.62(a)(15)

(15) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.

40 CFR 122.62(a)(16)

(16) When the discharger has installed the treatment technology considered by the permit writer in setting effluent limitations imposed under section 402(a)(1) of the CWA and has properly operated and maintained the facilities but nevertheless has been unable to achieve those effluent limitations. In this case, the limitations in the modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by a subsequently promulgated effluent limitations guideline).

40 CFR 122.62(a)(17)

(17) [Reserved] [§122.62(a)(17) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.62(a)(18)

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

40 CFR 122.62(b)

(b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

40 CFR 122.62(b)(1)

(1) Cause exists for termination under §122.64, and the Director determines that modification or revocation and reissuance is appropriate.

40 CFR 122.62(b)(2)

(2) The Director has received notification (as required in the permit, see §122.41(l)(3)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§122.61(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

[Editor's note: The authority for §122.62 is the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)]

40 CFR 122.63 Minor modifications of permits.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft permit and public notice as required in §122.62. Minor modifications may only:

40 CFR 122.63(a)

(a) Correct typographical errors;

40 CFR 122.63(b)

(b) Require more frequent monitoring or reporting by the permittee;

40 CFR 122.63(c)

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

40 CFR 122.63(d)

(d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.

40 CFR 122.63(e)

(e)(1) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under §122.29.

40 CFR 122.63(e)(2)

(2) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

40 CFR 122.63(f)

(f) [Reserved] [§122.63(f) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.63(g)

(g) Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.

40 CFR 122.64 Termination of permits (applicable to State programs, see §123.25).

40 CFR 122.64(a)

(a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:

40 CFR 122.64(a)(1)

(1) Noncompliance by the permittee with any condition of the permit;

40 CFR 122.64(a)(2)

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

40 CFR 122.64(a)(3)

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

40 CFR 122.64(a)(4)

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

40 CFR 122.64(b)

(b) The Director shall follow the applicable procedures in part 124 or State procedures in terminating any NPDES permit under this section.

ATTACHMENT NO. 4

STANDARD PROVISIONS

1. *Review and revision of permit*: Upon application by any affected person, or on its own motion, the SDRWQCB may review and revise this permit. [CWC 13263(e); also see Provision F.4.f, detailed in Attachment 3]

2. *Termination or modification of permit*: This permit may be terminated or modified for causes, including, but not limited to, all of the following:

   (a) Violation of any condition contained in this permit.

   (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.

   (c) A change in any condition that requires either a temporary of permanent reduction or elimination of the permitted discharge. [CWC 13381; also see Provision F.4.h, detailed in Attachment 3]

3. *Material change*: Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the Discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:

   (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

   (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.

   (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.

   (d) Increase in flow beyond that specified in the waste discharge requirements.

   (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13372, 13376, 13264, 23 CCR 2210]

   (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.

(g) Any new discharge of pollutants or new potential pollutant source.

(h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13372, 13264,23 CCR 2210]

4. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit. (Also see Provision F.4.e, detailed in Attachment 3)

5. *Conditions not stayed*: The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.

6. *Monitoring and Reporting Program*: The Discharger shall conduct monitoring and submit reports in accordance with Monitoring and Reporting Program (MRP) No. 2000-11. Monitoring results shall be reported at the intervals specified in MRP No. 2000-11. [CWC 13267 & 13383, 23 CCR 2230, 40 CFR 122.43(a), 122.44(l)(4), 122.48]

7. *Availability*: A copy of this Order shall be kept at a readily accessible location and shall be available to on-site personnel at all times.

8. *Duty to minimize or correct adverse impacts*: The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

9. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13387]

Nothing in this Order shall be construed to protect the Discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the Discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties to which the Discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.

10. *Noncompliance*: Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also see 40 CFR 122.41 (a) in Attachment 3)

11. *Discharge is a privilege*: No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. [CWC 13263(g)]

12. *Permittee*: For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "Discharger" used elsewhere in this permit.

13. *Director*: For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "SDRWQCB" used elsewhere in this permit, except that in 40 CFR 122.41(h) & (I), "Director" shall mean "SDRWQCB, SWRCB, and USEPA."

14. *Effective date*: This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.

15. *Expiration*: This Order expires February 9, 2005. [40 CFR 122.43, 122.44(h), 122.46]

16. *Continuation of expired permit*: After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40 CFR 122.6, 23 CCR 2235.4]

17. *Applications*: Any application submitted by the Discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.

18. *Confidentiality*: Except as provided for in 40 CFR 122.7, no information or documents submitter in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the offices of the SDRWQCB.

19. *Severability*: The provisions of this order are severable, and if any provision of this order, or the application of any provisions of this order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this order shall not be affected thereby.

20. *Discharge Monitoring Quality Assurance (DMQA) Program*: The Discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [SWRCB/USEPA 106 MOA]

21. *Pollution, Contamination, Nuisance*: The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.

22. *Additional Reporting Requirements*: [40 CFR 122.42(a)] In addition to the reporting requirements under Attachment 3 [40 CFR 122.41 (l)], all existing manufacturing, commercial, mining, and silvicultural discharges must notify the SDRWQCB as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, of that discharge will exceed the highest of the following "notification levels:"

(a) One hundred micrograms per liter (100 ug/l);

(b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(c) The level established bye the SDRWQCB in accordance with 40 CFR 122.44(f).

(2) That any activity has occurred or will occurred which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

(a) Five hundred micrograms per liter (500 ug/l)

(b) One milligram per liter (1 mg/l) for antimony;

(c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

(d) The level established by the SDRWQCB in accordance with 40 CFR 122.44(f).

23. *Report Submittal*: Reports and other documents required under this Order to be submitted to the Regional Board office shall be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, California 92124-1324
Phone - (858) 467-2952
Fax - (858) 571-6972

ATTACHMENT NO. 5

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CONTACT INFORMATION

Executive Officer
North Coast Regional Water
Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Executive Officer
Central Coast Regional Water
Quality Control Board
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401

Executive Officer
Central Valley Regional Water Quality
Control Board
3443 Routier Road
Sacramento, CA 95827-3098

Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Redding Branch Office
415 Knollcrest Street
Redding, CA 96002

Executive Officer
Santa Ana Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Executive Officer
San Diego Regional Water Quality
Control Board
9771 Clairemont Mesa Boulevard., Suite A
San Diego, CA 92124-1331

Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Executive Officer
Los Angeles Regional Water
Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Fresno Branch Office
3614 East Ashlan Avenue
Fresno, CA 93726

Executive Officer
Lahontan Regional Water Quality
Control Board, Victorville Office
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Executive Officer
Colorado River Basin Regional Water
Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 2000-11 NPDES PERMIT NO. CA0107433 FOR THE CITY OF OCEANSIDE LA SALINA AND SAN LUIS REY WASTEWATER TREATMENT FACILITIES DISCHARGE TO THE PACIFIC OCEAN VIA THE OCEANSIDE OCEAN OUTFALL

This Monitoring and Reporting Program supersedes Technical Change Order No. 1 to Monitoring and Reporting Program No. 95-07 in its entirety. This Monitoring and Reporting Program shall become effective with the adoption of Order No. 2000-11.

I. Purpose

This monitoring program is intended to:

- Document short-term and long-term effects of the discharge on receiving waters, sediments, biota, and beneficial uses of the receiving water.
- Determine compliance with NPDES permit terms and conditions.
- Assess the need for industrial pretreatment and toxic control programs.

The monitoring data will be used to determine compliance with water quality standards.

II. Monitoring Provisions

1. Samples and measurements taken as required herein shall be representative of the volume and nature[1] of the monitored discharge. All samples shall be taken at the monitoring points specified in this monitoring program and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer. Samples shall be collected at times representative of "worst-case" conditions with respect to compliance with the requirements of Order No. 2000-11.

2. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of

measuring flows with a maximum deviation of less than ± 10% from true discharge rates throughout the range of expected discharge volumes.

3. Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved under Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136), Guidelines Establishing Test Procedures for the Analysis of Pollutants, as amended, unless otherwise specified for sludge in 40 CFR 503, or unless other test procedures have been specified in Order No. 2000-11 and/or in this monitoring and reporting program.

4. If the discharger monitors any pollutants more frequently than required by Order No. 2000-11 or by this monitoring and reporting program, using test procedures approved under 40 CFR Part 136 or as specified in Order No. 2000-11 and this monitoring and reporting program, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.

5. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by Order No. 2000-11 and this monitoring and reporting program, and records of all data used to complete the application for Order No. 2000-11. Records shall be maintained for a minimum of 5 years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer or the USEPA.

6. Records of monitoring information shall include:

   a. The date, exact location, and time of sampling or measurements;

   b. The name(s) of individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The name(s) of the laboratory and individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

7. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in Order 2000-11 or this monitoring and reporting program.

8. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices.

9. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Regional Board Executive Officer.

10. The discharger shall have and implement an acceptable written quality assurance (QA) plan for laboratory analyses. An annual report shall be submitted by February 1st of each year that summarizes the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent of the samples, or at least one sample per month, whichever is more frequent. A similar frequency shall be maintained for analyzing spiked samples. When requested by the USEPA or the Regional Board, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger shall have a success rate equal to or greater than 80 percent.

11. The discharger shall report all instances of noncompliance not reported under Reporting Requirement G.11 of Order No. 2000-11 at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement G.11 of Order No. 2000-11.

12. By February 1st of each year, the discharger shall submit an annual report to the Regional Board and USEPA Region 9 that contains tabular and graphical summaries of the monitoring data obtained during the previous year. The discharger shall discuss the compliance record and corrective actions taken, or which may be needed to bring the discharge into full compliance with the requirements of Order No. 2000-11 and this monitoring and reporting program.

13. Laboratory method detection limits (MDLs) and practical quantitation levels (PQLs) shall be identified for each constituent in the matrix being analyzed with all reported analytical data. Acceptance of data shall be based on demonstrated laboratory performance.

14. Monitoring results shall be reported at intervals and in a manner specified in Order No. 2000-11 and in this monitoring and reporting program.

    Monitoring reports shall be submitted to the Regional Board and to USEPA Region 9 according to the following schedule:

Monitoring Frequency	Reporting Period	Report Due
Continuous, Daily, Weekly, or Monthly	All	By the first day of the second month after the month of sampling.

Monitoring Frequency	Reporting Period	Report Due
Quarterly	Jan.-March	May 1
	April-June	August 1
	July-September	November 1
	October-December	February 1
Semiannually	January-June	August 1
	July-December	February 1
Annually	January-December	February 1
Once every 5 years	---	February 1

III. Influent Monitoring

Influent monitoring is intended to:

- Determine compliance with NPDES permit conditions and water quality standards.
- Assess treatment plant performance.
- Assess the need for an Industrial Pretreatment Program and a Toxic Control Program.

Sampling stations shall be established at each point of inflow to all treatment plants and shall be located upstream of any in-plant return flows, and where representative samples of the influent can be obtained. Influent samples shall be collected on the same day as effluent samples, and shortly before the collection of effluent samples.

During periods when no effluent from a particular treatment plant is discharged to the Pacific Ocean, no influent monitoring, except for flowrate monitoring, is required at that treatment plant.

The following shall constitute the influent monitoring program:

Parameter	Unit	Type of Sample[1]	Minimum Frequency
Flowrate	MGallons/Day	recorder/ totalizer	continuous
$CBOD_5$ @ 20°C	mg/L	24-hour composite	weekly
BOD_5 @ 20°C	mg/L	24-hour composite	monthly
Suspended Solids	mg/L	24-hour composite	weekly

IV. Effluent Monitoring

Effluent monitoring is intended to:

- Determine compliance with NPDES permit conditions and water quality standards.

- Identify operational problems in order to improve plant performance.
- Provide information on waste characteristics and flows for use in interpreting water quality and biological data.

The effluent sampling station shall be located downstream of any in-plant return flows, and disinfection units, where representative samples of the effluent discharged through the ocean outfall can be obtained.

During periods where no effluent from a particular treatment plant is discharged to the Pacific Ocean, no effluent monitoring, except for flowrate monitoring, is required at that treatment plant.

The following shall constitute the effluent monitoring program:

Parameter	Unit	Type of Sample[1]	Minimum Frequency
Flowrate	MGallons/Day	recorder/totalizer	continuous
$CBOD_5$ @ 20°C	mg/L	24-hour composite	daily[2]
BOD_5 @ 20°C	mg/L	24-hour composite	monthly
Suspended Solids	mg/L	24-hour composite	daily[2]
pH	pH units	grab	daily[2]
Oil and Grease	mg/L	grab	monthly[3]
Settleable Solids	mL/L	grab	daily[2]
Turbidity	NTU	24-hour composite	weekly[3]
Acute Toxicity	TUa	24-hour composite	monthly
Dissolved Oxygen	mg/L	grab	weekly
Temperature	°C	-----	weekly
Arsenic	ug/L	24-hour composite	quarterly[3,4]
Cadmium	ug/L	24-hour composite	quarterly[3,4]
Chromium (hexavalent)	ug/L	24-hour composite	quarterly[3,4,5]
Copper	ug/L	24-hour composite	quarterly[3,4]
Lead	ug/L	24-hour composite	quarterly[3,4]
Mercury	ug/L	24-hour composite	quarterly[3,4]
Nickel	ug/L	24-hour composite	quarterly[3,4]
Selenium	ug/L	24-hour composite	quarterly[3,4]
Silver	ug/L	24-hour composite	quarterly[3,4]
Zinc	ug/L	24-hour composite	quarterly[3,4]
Cyanide	mg/L	24-hour composite	quarterly[3,4]
Total Residual Cl	mg/L	grab	daily[6]
Ammonia (as N)	mg/L	24-hour composite	monthly[3]
Chronic Toxicity	TUc	24-hour composite	monthly[7]

Parameter	Unit	Type of Sample[1]	Minimum Frequency
Phenolic Compounds (non-chlorinated)	mg/L	24-hour composite	quarterly[3,4]
Phenolic Compounds (chlorinated)	mg/L	24-hour composite	quarterly[3,4]
Endosulfan	ug/L	24-hour composite	quarterly[3,4]
Endrin	ug/L	24-hour composite	quarterly[3,4]
HCH	ug/L	24-hour composite	quarterly[3,4]
Radioactivity	pCi/L	24-hour composite	quarterly[3]
Acrolein	ug/L	grab	semiannually[3]
Antimony	ug/L	24-hour composite	semiannually[3]
bis(2-chloroethoxy) methane	ug/L	grab	semiannually[3]
bis(2-chloroisopropyl) ether	ug/L	grab	semiannually[3]
chlorobenzene	ug/L	grab	semiannually[3]
chromium (III)	ug/L	24-hour composite	semiannually[3]
di-n-butyl phthalate	ug/L	grab	semiannually[3]
dichlorobenzenes	ug/L	grab	semiannually[3]
1,1-dichloroethylene	ug/L	grab	semiannually[3]
diethyl phthalate	ug/L	grab	semiannually[3]
dimethyl phthalate	ug/L	grab	semiannually[3]
4,6-dinitro-2-methylphenol	ug/L	grab	semiannually[3]
2,4 dinitrophenol	ug/L	grab	semiannually[3]
ethylbenzene	ug/L	grab	semiannually[3]
fluoranthene	ug/L	grab	semiannually[3]
hexacyclopentadiene	ug/L	grab	semiannually[3]
isophorone	ug/L	grab	semiannually[3]
nitrobenzene	ug/L	grab	semiannually[3]
thallium	ug/L	24-hour composite	semiannually[3]
toluene	ug/L	grab	semiannually[3]
1,1,2,2-tetrachloro-ethane	ug/L	grab	semiannually[3]
tributyltin	ug/L	24-hour composite	semiannually[3]
1,1,1-trichloroethane	ug/L	grab	semiannually[3]
1,1,2-trichloroehtane	ug/L	grab	semiannually[3]
acrylonitrile	ug/L	grab	semiannually[3]
aldrin	ug/L	grab	semiannually[3]

Parameter	Unit	Type of Sample[1]	Minimum Frequency
benzene	ug/L	grab	semiannually[3]
benzidine	ug/L	grab	semiannually[3]
beryllium	ug/L	24-hour composite	semiannually[3]
bis(2-chloroethyl) ether	ug/L	grab	semiannually[3]
bis(2-ethylhexyl) phthalate	ug/L	grab	semiannually[3]
carbon tetrachloride	ug/L	grab	semiannually[3]
chlordane	ug/L	grab	semiannually[3]
chloroform	ug/L	grab	semiannually[3]
DDT	ug/L	grab	semiannually[3]
1,4-dichlorobenzene	ug/L	grab	semiannually[3]
3,3-dichlorobenzidine	ug/L	grab	semiannually[3]
1,2-dichloroethane	ug/L	grab	semiannually[3]
dichloromethane	ug/L	grab	semiannually[3]
1,3-dichloropropene	ug/L	grab	semiannually[3]
dieldrin	ug/L	grab	semiannually[3]
2,4-dinitrotoluene	ug/L	grab	semiannually[3]
1,2-diphenylhydrazine	ug/L	grab	semiannually[3]
halomethanes	ug/L	grab	semiannually[3]
heptachlor	ug/L	grab	semiannually[3]
hexachlorobenzene	ug/L	grab	semiannually[3]
hexachlorobutadiene	ug/L	grab	semiannually[3]
hexachloroethane	ug/L	grab	semiannually[3]
N-nitrosodimethyl-amine	ug/L	grab	semiannually[3]
N-nitrosodiphenyl-amine	ug/L	grab	semiannually[3]
PAHs	ug/L	grab	semiannually[3]
PCBs	ng/L	grab	semiannually[3]
TCDD equivalents	pg/L	grab	semiannually[8,3]
Tetrachloroethylene	ug/L	grab	semiannually[3]
Toxaphene	ug/L	grab	semiannually[3]
Trichloroethylene	ug/L	grab	semiannually[3]
2,4,6-trichlorophenol	ug/L	grab	semiannually[3]
vinyl chloride	ug/L	grab	semiannually[3]

V. Solids Monitoring

Solids monitoring is intended to:

- Assess the need for a pretreatment program.
- Maintain a record of the volume of solids generated and disposal sites used.
- Evaluate the character of sludge to ensure that appropriate disposal methods are employed.

A report identifying the volume of screenings, sludges, grit, and other solids removed from the wastewater and the point(s) at which these wastes were disposed of shall be submitted annually. A copy of all annual reports required by 40 CFR 503 shall be submitted to the Regional Board at the same time those reports are submitted to the USEPA.

VI. Receiving Water Monitoring

To determine compliance with water quality standards, the receiving water quality monitoring program must document conditions in the vicinity of the "Zone of Initial Dilution" (ZID) boundary, at reference stations, and at areas beyond the ZID where discharge impacts might reasonably be expected. Monitoring must reflect conditions during all critical environmental periods.

Receiving water and sediment monitoring in the vicinity of the Oceanside Ocean Outfall (OOO) shall be conducted as specified below. Station location, sampling, sample preservation and analyses, when not specified, shall be by methods approved by the Executive Officer. The monitoring program may be modified by the Executive Officer at any time.

The receiving water and sediment monitoring program for the OOO may be conducted jointly with the City of Oceanside and any other agencies/dischargers utilizing the OOO if the discharger so chooses. Receiving water and sediment monitoring stations shall be located and numbered as follows:

Monitoring Station Locations

Station	Description
	Surf Zone Stations
S1	Surf zone, 5,500 feet south of the outfall.
S2	Surf zone, 2,500 feet south of the outfall.
S3	Surf zone, at the outfall.
S4	Surf zone, 2,000 feet north of the outfall.
S5	Surf zone, 5,800 feet north of the outfall.
S6	To be determined at a later date.

S7	To be determined at a later date.
	Nearshore Stations
N1	Opposite S1, at the 30 foot depth contour, MLLW.
N2	Opposite S2, at the 30 foot depth contour, MLLW.
N3	Opposite S3, at the 30 foot depth contour, MLLW.
N4	Opposite S4, at the 30 foot depth contour, MLLW.
N5	Opposite S5, at the 30 foot depth contour, MLLW.
N6	To be determined at a later date.
N7	To be determined at a later date.
	Offshore Stations
A1 - A4	At the corners of a 1,000 ft. x 1,000 ft. square having one side parallel to shore and the intersection of its diagonals at the seaward end of the outfall.
A5	At the intersection of the diagonals of the above rectangle.
B1	One mile downcoast from the outfall, and over the same depth contour as Station A5.
B2	One mile upcoast from the outfall, and over the same depth contour as Station A5.
	Biological Transects
T0	At the 20, 40, 60, and 80 foot depth contours along the transect located 50 feet downcoast of and parallel to the outfall.
T1	At the 20, 40, 60, and 80 foot depth contours along the transect located one mile downcoast of and parallel to the outfall.
T2	At the 20, 40, 60, and 80 foot depth contours along the transect located one and one half miles upcoast of and parallel to the outfall.

It is recommended that stations be located using a land-based microwave positioning system, such as Mini-Ranger or trisponder, or a satellite positioning system such as Global Positioning System (GPS). The high levels of accuracy and precision afforded by this type of positioning system will ensure that stations are properly located with respect to the ZID. If an alternate navigation system (e.g. Loran C) is proposed, its accuracy should be compared to that of the systems recommended herein, and any compromises in accuracy should be justified.

Monitoring station locations may be modified with the approval of the Executive Officer.

A. SURF ZONE WATER QUALITY MONITORING

Surf zone monitoring is intended to assess bacteriological conditions in areas used for body-contact activities (e.g., swimming); and to assess aesthetic conditions for general recreational uses (e.g., picnicking).

All "surf zone stations" shall be monitored as follows:

1. Grab samples shall be collected and analyzed for total and fecal coliforms, and enterococcus at a minimum frequency of once per week from May 1 through October 31, and at a minimum frequency of once every other week from November 1 through April 30 of each year.

2. At the same time samples are collected from "surf zone stations," the following information shall be recorded: observation of wind (direction and speed), weather (e.g., cloudy, sunny, or rainy), current (e.g., direction), and tidal conditions; observations of water color, discoloration, oil and grease, turbidity, odor, and materials of sewage origin in the water or on the beach; and water temperature (°C).

B. NEARSHORE WATER QUALITY MONITORING

Nearshore monitoring is intended to assess bacteriological conditions in areas used for body-contact activities (e.g. scuba diving) and where shellfish and/or kelp may be harvested; and to assess aesthetic conditions for general boating and recreational uses.

All "nearshore stations" shall be monitored as follows:

1. Reduced Monitoring

If the Executive Officer determines that the effluent at all times complies with Discharge Specifications B.1, B.3, and B.5 of Order No. 2000-11, only the reduced nearshore water quality monitoring specified below is required.

Determination	Units	Type of Sample	Minimum Frequency
Visual Observations	--	--	Monthly
Total and Fecal Coliforms,	#/100mL	Grab[9]	Monthly
Enterococcus[10]	#/100mL	Grab[9]	Monthly

2. Intensive Monitoring

The intensive nearshore water quality monitoring specified below is required during the 12-month period beginning July 1, 2003 through June 30, 2004, and must be submitted by August 31, 2004. This monitoring data will assist Regional Board staff in the evaluation of the Report of Waste Discharge required by Reporting Requirement G.2 of Order No. 2000-11 to be submitted by August 9, 2004, 180 days prior to the Order's expiration date of February 9, 2005. The intensive nearshore water quality monitoring specified below is also required if the Executive Officer determines that the effluent does not at all times comply with Discharge Specifications B.1, B.3, and B.5 of Order No. 2000-11.

Determination	Units	Type of Sample	Minimum Frequency
Visual Observations	--	--	Monthly
Total and Fecal Coliforms,	#/100mL	Grab[11]	Monthly
Enterococcus	#/100mL	Grab[11]	Monthly

C. OFFSHORE WATER QUALITY MONITORING

Offshore monitoring is intended to determine compliance with the Ocean Plan; and to determine if the applicant's discharge causes significant impacts on the water quality within the ZID and beyond the ZID as compared to reference areas.

All "offshore stations" shall be monitored as follows:

1. Reduced Monitoring

If the Executive Officer determines that the effluent at all times complies with Discharge Specifications B.1, B.3, and B.5 of Order No. 2000-11, only the reduced offshore water quality monitoring specified below is required.

Determination	Units	Type of Sample	Minimum Frequency
Visual Observations	--	--	Monthly
Total and Fecal Coliforms,	#/100mL	Grab[11]	Monthly
Enterococcus[10]	#/100mL	Grab[11]	Monthly

2. Intensive Monitoring

The intensive offshore water quality monitoring specified below is required during the 12-month period beginning July 1, 2003 through June 30, 2004, and must be submitted by August 31, 2004. This monitoring data will assist Regional Board staff in the evaluation of the Report of Waste Discharge required by Reporting Requirement G.2 of Order No. 2000-11 to be submitted by August 9, 2004, 180 days prior to the Order's expiration date of February 9, 2005. The intensive offshore water quality monitoring specified below is also required if the Executive Officer determines that the effluent does not at all times comply with Discharge Specifications B.1, B.3, and B.5 of Order No. 2000-11.

Determination	Units	Type of Sample	Minimum Frequency
Visual Observations	--	--	Monthly
Total and Fecal Coliforms,	#/100mL	Grab[11]	Monthly

Determination	Units	Type of Sample	Minimum Frequency
Enterococcus	#/100mL	Grab[11]	Monthly
Temperature	°C	Grab[12]	Monthly
Dissolved Oxygen	mg/L	Grab[12]	Monthly
Light Transmittance	%	Instrument[12]	Monthly
pH	pH units	Grab[9]	Annually

D. BENTHIC MONITORING

Benthic monitoring is intended to assess the status of the benthic community, and to evaluate the physical and chemical quality of the sediments.

The intensive monitoring specified below is required during the 12-month period beginning July 1, 2003 through June 30, 2004, and must be submitted by August 31, 2004. This monitoring data will assist Regional Board staff in the evaluation of the Report of Waste Discharge required by Reporting Requirement G.2 of Order No. 2000-11 to be submitted by August 9, 2004, 180 days prior to the Order's expiration date of February 9, 2005. The sediment monitoring specified below is also required if the Executive Officer determines that the effluent does not at all times comply with Discharge Specifications B.1, B.3, and B.5 of Order No. 2000-11. Sediment monitoring shall be conducted at all "offshore stations".

1. Sediment Characteristics

Analyses shall be performed on the upper two inches of core.

Determination	Units	Type of Sample	Minimum Frequency
Sulfides	mg/kg	Core	Semiannually
Total Chlorinated Hydrocarbons	mg/kg	Core	Semiannually
BOD	mg/kg	Core	Semiannually
COD	mg/kg	Core	Semiannually
Particle Size Distribution	--------	Core	Semiannually
Arsenic	mg/kg	Core	Annually
Cadmium	mg/kg	Core	Annually
Total Chromium	mg/kg	Core	Annually
Copper	mg/kg	Core	Annually
Lead	mg/kg	Core	Annually
Mercury	mg/kg	Core	Annually
Nickel	mg/kg	Core	Annually
Silver	mg/kg	Core	Annually
Zinc	mg/kg	Core	Annually
Cyanide	mg/kg	Core	Annually

Determination	Units	Type of Sample	Minimum Frequency
Phenolic Compounds (non-chlorinated)	mg/kg	Core	Annually
Chorinated Phenolics	mg/kg	Core	Annually
Aldrin and Dieldrin	mg/kg	Core	Annually
Chlordane and Related Compounds	mg/kg	Core	Annually
DDT and Derivatives	mg/kg	Core	Annually
Endrin	mg/kg	Core	Annually
HCH	mg/kg	Core	Annually
PCBs	mg/kg	Core	Annually
Toxaphene	mg/kg	Core	Annually
Radioactivity	pCi/kg	Core	Annually

2. Infauna

Samples are to be collected with a Paterson, Smith-McIntyre, or orange-peel-type dredge, having an open sampling area of not less than 124 square inches and a sediment capacity of not less than 210 cubic inches. The sediment shall be sifted through a one-millimeter mesh screen and all organisms shall be identified to as low a taxon as possible.

Determination	Units	Minimum Frequency
Benthic Biota	Identification and Enumeration	3 Grabs Semiannually

E. ADDITIONAL BIOLOGICAL MONITORING

1. Demersal Fish and Macroinvertebrates

Monitoring of demersal fish and macroinvertebrates is intended to assess the populations of such organisms, to assess bioaccumulation of toxic pollutants, and to determine whether a significant difference exists between those populations near the outfall diffuser and those in reference areas.

The intensive monitoring specified below is required during the 12-month period beginning July 1, 2003 through June 30, 2004, and must be submitted by August 31, 2004. This monitoring data will assist Regional Board staff in the evaluation of the Report of Waste Discharge required by Reporting Requirement G.2 of Order No. 2000-11 to be submitted by August 9, 2004, 180 days prior to the Order's expiration date of February 9, 2005. The biological transect monitoring specified below is also required if the Executive Officer determines that the effluent does not at all times comply with Discharge Specification B.1, B.3, and B.5 of Order No. 2000-11.

Determination	Units	Type of Sample[13]	Minimum Frequency
Biological Transects	Identification/ Enumeration	***	Annually

In rocky or cobble areas, a 30-meter band transect, one meter wide shall be established on the ocean bottom. Operations at each underwater station shall include: (1) Water temperature (may be measured from a boat), estimated visibility and pelagic macrobiota at each 10-foot depth increment throughout the water column and at the bottom recorded; (2) general bottom description recorded; (3) enumeration by estimate of the larger plants and animals in the band transect area recorded; (4) representative photographic record of sampled area taken; and (5) within each band, three one-quarter meter square areas shall be randomly selected and all macroscopic plant and animal life shall be identified to as low a taxon as possible and measured.

For both epifauna and infauna, size frequency and distribution shall be shown for at least the three numerically largest populations identified to the lowest possible taxon and appropriate graphs showing the relationship between species frequency and population shall be plotted from each sample.

2. Kelp Bed Monitoring

Kelp bed monitoring is intended to assess the extent to which the discharge of wastes may affect the areal extent and health of coastal kelp beds.

The discharger shall participate with other ocean dischargers in the San Diego Region in an annual regional kelp bed photographic survey. Kelp beds shall be monitored annually by means of vertical aerial infrared photography to determine the maximum areal extent of the region's coastal kelp beds within the calendar year. Surveys shall be conducted as close as possible to the time when kelp bed canopies cover the greatest area. The entire San Diego Region coastline, from the international boundary to the San Diego Region / Santa Ana Region boundary, shall be photographed on the same day.

The images produced by the surveys shall be presented in the form of a 1:24,000 scale photo-mosaic of the entire San Diego Region coastline. Onshore reference points, locations of all ocean outfalls and diffusers, and the 30-foot (MLLW) and 60-foot (MLLW) depth contours shall be shown.

The areal extent of the various kelp beds photographed in each survey shall be compared to that noted in surveys of previous years. Any significant losses which persist for more than one year shall be investigated by divers to determine the probable reason for the loss.

I, John H. Robertus, Executive Officer of the San Diego Regional Water Quality Control Board, do hereby certify the foregoing is a full, true, and correct copy of Order No. 2000-11 adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2000.

JOHN H. ROBERTUS
Executive Officer

MONITORING AND REPORTING PROGRAM ENDNOTES

1 For samples collected from the various treatment plants which are to be physically composited prior to analysis or for the results of analyses which are to be arithmetically composited, the basis for compositing shall be the rate of discharge from the various plants to the ocean, not the rate of inflow to the various plants.

2 Five days per week except seven days per week for at least one week in July or August of each year.

3 The minimum frequency of monitoring for this constituent shall be automatically increased to twice the minimum frequency specified here if any analysis for this constituent yields a result higher than the effluent limit specified in Order No. 2000-11 for this constituent. The increased minimum frequency of monitoring shall remain in effect until the results of a minimum of four consecutive analyses for this constituent are below all effluent limits specified in Order No. 2000-11 for this constituent.

4 The minimum frequency of monitoring for this constituent is automatically reduced to semiannually if the results of twelve consecutive analyses, representing each month of the year, or the results of twenty-four consecutive analyses, representing each quarter of the year, are below the Ocean Plan 6-month median water quality objective for this constituent, or below the laboratory MDL for this constituent in the matrix being analyzed, whichever is higher.

5 The discharger may at its option monitor for total chromium. If the measured total chromium concentration exceeds the hexavalent chromium limitation, it will be assumed that the hexavalent chromium limitation was exceeded unless the results of a hexavalent chromium analysis of a replicate sample indicate otherwise. When analyzing for hexavalent chromium, the appropriate sampling and analytical method must be used (i.e., 24-hour composite cooled to 4 °C and analyzed within 24 hours).

6 Monitoring of Total Chlorine Residual is not required on days when none of the treatment facilities that are subject to Order No. 2000-11 use chlorine for disinfection. If only one sample is collected for Total Chlorine Residual analysis on a particular day, that sample must be collected at the time when the concentration of Total Chlorine Residual in the discharge would be expected to be greatest. The times of chlorine discharges on the days the samples are collected, and the time at which samples are collected shall be reported.

7 A screening period for chronic toxicity shall be conducted every other year for three months, using a minimum of three test species (one plant, one invertebrate, and one vertebrate) chosen from the list of approved chronic toxicity test protocols specified in the 1997 Ocean Plan. After the screening period, the most sensitive species (i.e. the species exhibiting the lowest NOEL) shall be used for the monthly testing. Repeat screening periods may be terminated after the first month if the most sensitive species is the same as the species previously found to be most sensitive.

Results for chronic toxicity shall be submitted, electronically, in the TOXIS version 2.4-database format. After one year, the data will be evaluated by regional board staff to determine if a reduction in the minimum monitoring frequency is appropriate. If the Executive Officer determines that a reduction in the minimum monitoring frequency is appropriate, the minimum monitoring frequency will be specified by the Executive Officer.

8 EPA method 8280 shall be used to analyze for TCDD equivalents.

9 At the surface.

[10] If the discharger demonstrates to the satisfaction of the Executive Officer, by means of daily analyses, that the concentrations of total and fecal coliform bacteria in the effluent are consistently less than 1,000 per 100 mL, enterococcus monitoring may be suspended. The discharger shall conduct the monitoring as specified unless the Executive Officer provides written authorization to suspend it. If this monitoring is suspended, the discharger shall resume it at the request of the Executive Officer.

[11] At surface and mid-depth.

[12] At surface, mid-depth, and bottom.

[13] ***Sampling techniques will follow those employed by biologist divers of the California State Department of Fish and Game. In sandy areas, a 30 meter band transect, one meter wide, shall be established on the ocean bottom. Operations at each underwater station shall include: (1) Water temperature (may be measured from a boat), estimated visibility and pelagic macrobiota at each 10-foot depth increment throughout the water column and at the bottom recorded; (2) general bottom description recorded; (3) height, period, and crest direction of ripple marks recorded; (4) amount, description, and location of detritus on bottom recorded; (5) representative photographic record of sampled area taken; and (6) within each band, three cores of at least 42.5 cm^2 in area shall be randomly taken to a depth of 15 cm where possible, (the three cores may be taken from a boat) and the material removed sifted through at least a 1 millimeter mesh screen, and all organisms identified to as low a taxon as possible, enumerated, measured, and reproductive conditions assessed where feasible.