

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 99-094
NPDES NO. CA0027961

RENEWAL OF WASTE DISCHARGE REQUIREMENTS FOR:
INTERNATIONAL BUSINESS MACHINES CORPORATION
5600 COTTLE ROAD, SAN JOSE
SANTA CLARA COUNTY

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

1. **Permit Application:** International Business Machines Corporation (hereinafter the discharger) by application dated April 19, 1999, has applied for renewal of waste discharge requirements and a permit to discharge waste under the National Pollutant Discharge Elimination System (NPDES). The discharger is currently discharging wastes pursuant to Order No. 94-141, adopted by the Board on October 19, 1994.
2. **Facility Description:** The discharger owns and operates a manufacturing facility located at 5600 Cottle Road, San Jose, Santa Clara County. The facility manufactures computer heads, disk drive equipment, and disk media and conducts new product development.
3. **Waste Streams:** Discharges from the facility include the following:

<u>Waste Number and Description</u>	<u>Average Flow Rate (mgd)</u>
001 Industrial stormwater runoff, discharged to storm drain	0.10
002 Extracted groundwater (onsite), discharged to storm drain	0.00
003 Extracted groundwater (onsite), reused or recharged to onsite groundwater	1.00
004 Extracted groundwater (offsite), discharged to storm drain	0.20
005 Extracted groundwater (offsite), reused	0.00

4. **Waste 001:** The discharger falls into one of the specific categories of industrial activity for which a stormwater discharge permit is required. On-site facilities which trigger this requirements include: diesel fuel storage, chemical storage, waste conveyance tunnels and collection vaults, and acid/caustic storage vaults. Rainwater which collects in secondary containment vaults is tested prior to discharge. Depending on test results, the rainwater is discharged to the storm drain, discharged to the storm drain after carbon treatment, treated onsite at the industrial wastewater treatment unit (which discharges to the sanitary sewer), or transported offsite for treatment and disposal. Stormwater from other onsite

facilities (e.g. roofs, parking lots, landscaping) is discharged untreated to onsite storm drains tributary to Canoas Creek.

5. **Wastes 002 through 005:** The discharger is required by separate Board order to remediate soil and groundwater pollution at the site, including chlorinated hydrocarbons, petroleum naphthas, aromatic hydrocarbons, ketones, and alcohols. The discharger operates onsite and offsite groundwater extraction and treatment systems.

The onsite system includes several A-aquifer and B-aquifer extraction wells, treatment by air-stripping or steam-stripping, and conveyance piping. Anti-scalants are added prior to treatment. Treated groundwater is either discharged to storm drains tributary to Canoas Creek (waste 002) or reused (waste 003). Reuse includes onsite irrigation of orchards and landscaping and groundwater recharge. Recharge is accomplished using two up-gradient wells screened in the B-aquifer. Both wells are located upgradient of onsite extraction wells. Treated groundwater pH is adjusted prior to recharge, to prevent recharge-well fouling. Since 1991, all onsite treated groundwater has been reused.

The offsite system includes two B-aquifer extraction wells, treatment by air stripping (using nozzle aeration), and conveyance piping. Treated groundwater is discharged to storm drains tributary to Canoas Creek (waste 004) or reused (waste 005). In the past, reuse has included offsite irrigation and offsite construction (dust control or soil compaction). Since 1992, virtually all treated groundwater has been discharged to storm drains.

Intermittent flows are generated from onsite and offsite monitoring well sampling and aquifer testing. This waste is either transported to the onsite groundwater treatment facility or discharged directly to storm drains tributary to Canoas Creek, using historic monitoring data to assess suitability for discharge.

6. **Surface Water Discharges:** Several waste streams are discharged via the City of San Jose storm drain system to Canoas Creek, which is tributary to the Guadalupe River and thence South San Francisco Bay. These waste streams enter Canoas Creek at four locations:

<u>Outfall No. and Location</u>	<u>Lat/Long</u>	<u>Wastes Discharged</u>
O-001 Canoas Creek at Cottle Road	37°14'6" 121°48'10"	001, 002
O-002 Canoas Creek at Blossom Hill Road	37°15'2" 121°50'26"	001
O-003 Canoas Creek at West Valley Freeway	37°15'14" 121°50'29"	001

O-004 Canoas Creek at	37°15'56"	004
Branham Lane	121°51'1"	

7. **Basin Plan:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (hereinafter called Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Board on July 20, 1995 and the Office of Administrative Law on November 13, 1995. The Office of Administrative Law's action is published in Section 3912 of Title 23 of the California Code of Regulations. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.
8. **Beneficial Uses:** The Basin Plan identifies the following existing and potential beneficial uses of Guadalupe River and its tributaries:
- a. Water contact and non-contact recreation
 - b. Wildlife habitat
 - c. Cold freshwater and warm freshwater habitat
 - d. Fish migration and spawning
 - e. Groundwater recharge
- The Basin Plan identifies the following existing and potential beneficial uses of groundwater underlying and adjacent to the facility:
- a. Industrial process water supply
 - b. Industrial service water supply
 - c. Municipal and domestic water supply
 - d. Agricultural water supply
9. **Basin Plan Prohibition:** The Basin Plan prohibits discharge of "wastewater which has particular characteristics of concern to beneficial uses": (a) "at any point at which the wastewater does not receive a minimum initial dilution of at least 10:1, or into any nontidal water, dead-end slough, similar confined waters, or any immediate tributaries thereof" and (b) at any point in "San Francisco Bay south of the Dumbarton Bridge". The Basin Plan allows for exceptions to this prohibition if a discharge is approved as part of a groundwater clean-up project in accordance with Resolution No. 88-160, it has been demonstrated that neither reclamation nor discharge to a POTW is technically and economically feasible, and the discharger has provided certification of the adequacy and reliability of treatment facilities and a plan that describes procedures for proper operation and maintenance of all treatment facilities. The discharge qualifies for an exception to these prohibitions, because it is part of the groundwater cleanup program and because

water reuse has been optimized.

10. **Basis for Effluent Limits:** Effluent limitations in this order are based on the existing permit, the Basin Plan, State plans and policies, U.S. EPA guidance, best available treatment technology economically achievable, best management practices, and best professional judgment.
 - a. **VOCs:** Effluent limits for individual VOCs (except 1,1,1-TCA and Freon 113 offsite) are the more stringent of 5 ug/l or the current drinking water standard. The technology to achieve the 5 ug/l maximum is readily available and is expected to achieve concentrations at or below 0.5 ug/l (current detection limit) most of the time. For 1,1,1-TCA and Freon 113 offsite, the effluent limits are 50 ug/l each. These latter limits reflect the impracticability of most treatment methods for the large flows produced by the two offsite extraction wells and the performance constraints of nozzle aeration; these limits are well below applicable drinking water standards.
 - b. **Inorganics:** Effluent limits for metals are mass limits based on current mass loadings from this discharge. These limits are similar to those used in the solvent general permit (Order No. 99-051). In the Board's best professional judgement, these limits will result in *de minimis* mass loadings to San Francisco Bay when compared to metals loadings from municipal point sources, industrial point sources, stormwater discharges, and other non-point sources.
11. **Stormwater:** USEPA promulgated federal regulations for stormwater dischargers on November 19, 1990. The regulations require specific categories of industrial activities which discharge stormwater associated with industrial activity (industrial stormwater) to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to control pollutants in industrial stormwater discharges (40 CFR Parts 122, 123, and 124). This site discharges industrial stormwater and is subject to these federal regulations.

The Board issued Order No. 95-180 (NPDES Permit No. CA0029718) to the Santa Clara Valley Urban Runoff Pollution Program (the Program) in 1995. The permit regulates stormwater discharges from public storm drains to surface waters in Santa Clara County.

The State Board issued Order No. WQ 97-03 (NPDES General Permit No. CAS000001) to regulate industrial stormwater discharges throughout the state. The permit requires designated industrial stormwater dischargers to prepare Storm Water Pollution Prevention Plans (SWPPPs), implement best management practices (BMPs), and conduct stormwater monitoring. The pertinent provisions of this general permit are incorporated into this individual permit.
12. **CEQA:** This Order serves as an NPDES Permit, adoption of which is exempt from the

provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (California Environmental Quality Act) pursuant to Section 13389 of the California Water Code.

13. **Notice:** The Board has notified interested agencies and persons of its intent to issue general waste discharge requirements for groundwater dewatering discharges resulting from the cleanup of groundwater polluted by VOC, and has provided them with an opportunity to submit their written views and recommendations.
14. **Hearing:** The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, that International Business Machines Corporation shall comply with the following:

A. Prohibitions

1. The discharge of waste or hazardous materials in a manner which will degrade the water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. The discharge shall be limited to the waste streams described in the NPDES permit application and added anti-scaling or anti-biofouling chemicals approved by the Executive Officer which do not adversely affect the environment and comply with the requirements of this Order.
3. Discharge volume shall not exceed the following maximum flow rates (in millions of gallons per day) unless an increase is approved by the Executive Officer:

a. Wastes 002 and 003 (onsite treated groundwater)	1.5 mgd
c. Wastes 004 and 005 (offsite treated groundwater)	0.5 mgd

B. Effluent Limitations

The following effluent limits apply to the discharge after full treatment but before the discharger relinquishes control of the discharge (Wastes 002 and 004) or before the discharge is released to waters of the State (Wastes 003 and 005).

1. Wastes 002-005 shall not contain constituents in excess of the following limits:
 - a. Organic Constituents – Concentration Limits

Constituent	Instantaneous Maximum Limit (ug/l) by Waste:			
	002	003	004	005
1,1,1-Trichloroethane (1)	5	5	50	50
Tetrachloroethylene (1)	5	5	5	5
Trichloroethylene (1)	5	5	5	5
1,1-Dichloroethylene (1)	5	5	5	5
1,2-Dichloroethane (1)	0.5	0.5	0.5	0.5
Vinyl Chloride (1)	0.5	0.5	0.5	0.5
1,2-Dichloroethylene (1)	5	5	5	5
1,1-Dichloroethane (1)	5	5	5	5
Methylene Chloride (1)	5	5	5	5
Chloroform (1)	5	5	5	5
Freon 113 (1)	5	5	50	50
Freon 11 (1)	5	5	5	5
Freon 12 (1)	5	5	5	5
Other purgeable VOCs (1)	5	5	5	5
Benzene (2)	1	1	1	1
Toluene (2)	5	5	5	5
Ethylbenzene (2)	5	5	5	5
Total Xylenes (2)	5	5	5	5
Total petroleum hydrocarbons [TPH] (3)	50	50	--	--
Semi-volatile organics (4) per constituent	5	5	--	--

Notes:

1. Using EPA Method 601 or its equivalent
2. Using EPA Method 602 or its equivalent
3. Using EPA Method 8015 or its equivalent
4. Using EPA Method 625 or its equivalent

b. Inorganic Constituents – Mass Limits

Constituent	Mass Limit (grams/day) (1) by Waste:	
	002	004
Arsenic	29	6
Cadmium	21	4
Chromium VI (2)	50	8

Copper	400	8
Lead	44	12
Mercury	1.2	0.3
Nickel	125	25
Selenium	27	8
Silver	21	4
Zinc	333	19

Notes:

1. Based on average flow computed from last 12 months of operation and based on non-detect values being counted at the detection limit (or reporting limit)
2. Dischargers, at their option, may meet this limit as total chromium
2. Chlorine residual: Wastes 002-005 shall not contain concentrations of total residual chlorine (free chlorine plus chloramines) in excess of 0.0 mg/l (instantaneous maximum limit).
3. pH: The pH of the discharge shall not exceed 8.5 nor be less than 6.5.
4. Toxicity: The survival of rainbow trout in 96-hour static renewal bioassays of the discharge shall be a three sample moving median of 90% survival and a minimum value of not less than 70% survival.

C. Receiving Water Limitations

1. Narrative Limits: The discharge shall not cause the following conditions to exist in waters of the State at any place:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
 - b. Bottom deposits or aquatic growths;
 - c. Alteration of temperature, turbidity, taste, odor, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
 - e. Toxic or other deleterious substances to be present in concentrations or quantities that will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. Numerical Limits: The discharge shall not cause the following limits to be

exceeded in waters of the State in any place within one foot of the water surface:

- a. Dissolved oxygen: 5.0 mg/l minimum

When natural factors cause lesser concentration than that specified above, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.

- b. pH: Variation from natural ambient pH by more than 0.5 pH units.
3. **Water Quality Standards:** The discharge shall not cause or contribute to a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

D. Water Reclamation Specifications (Wastes 003 and 005 only)

1. **Overspray:** No reclaimed water shall be allowed to escape from the authorized use area by airborne spray, nor by surface flow except in minor amounts associated with good irrigation practice, nor from conveyance facilities.
2. **Saturated Soil:** Reclamation involving irrigation shall not occur when the ground is saturated.
3. **Public Contact:** Adequate measures shall be taken to minimize public contact with reclaimed water and to prevent the breeding of flies, mosquitos, and other vectors of public health significance during the process of reuse.
4. **Warning Signs:** Appropriate public warnings must be posted to advise the public that the water is not suitable for drinking. Signs must be posted in the area, and all reclaimed water valves and outlets appropriately labelled.
5. **Cross Connections:** There shall be no cross-connection between the potable water supply and piping containing treated groundwater intended for reuse.

E. Provisions

1. **Immediate Compliance:** The discharger shall comply with all sections of this

order immediately.

2. **Self-Monitoring Program:** The discharger shall comply with the Self-Monitoring Program as adopted by the Board (attached) and as may be amended by the Executive Officer.
3. **Order Modification:** This Order may be modified by the Board prior to the expiration date to include effluent limitations for toxic constituents determined to be present in significant amounts in discharge through the Self-Monitoring Program.
4. **Inorganic Limits Exceedance:** If any inorganic effluent limit in Section B is exceeded, then the discharger shall take three additional samples for that constituent(s) during the following quarter.

Case 1 - If the results of the three additional samples for the effluent **do not** exceed the effluent limit(s) the discharger shall report the results to the Executive Officer in the next Self-Monitoring Report, and shall return to the schedule of sampling and analysis in the Self-Monitoring Program.

Case 2 - If the results of **any one of the three** additional samples exceed the effluent limit(s), the discharger shall perform the following:

- a) Calculate the median and maximum concentration values for the constituent(s) of concern, using the three recent samples **and** all samples collected and analyzed for that constituent in the previous 12 month period.
- b) Estimate the mass load discharged in the previous 12 month period for the constituent(s) of concern. Report the results in grams per day and in pounds per year, using the average flow rate for the previous 12 month period.
- c) Report the results to the Executive Officer in the next Self-Monitoring Report, and return to the schedule of sampling and analysis in the Self-Monitoring Program.

Case 3 - If the results of **two or three** of the additional samples exceed the effluent limit(s), the discharger shall perform the following:

- a) Calculate median and maximum concentration values and mass load for the constituent(s) of concern, as described in Case 2 above.
- b) Perform a cost analysis for treatment of the discharge for the constituent(s)

of concern. The analysis should include, but need not be limited to, a discussion of various treatment technologies or pre-treatment filtration options, the cost and technical feasibility of increased treatment to reduce the constituent(s) of concern, and the amount of reduction in terms of concentration and average annual mass load. A joint effort may be undertaken and submitted by more than one discharger to evaluate cost and feasibility of treatment technologies or options.

If the results of the cost analysis indicates that metals treatment of the discharge does not appear to be a feasible option, then:

- c) Perform an evaluation of the potential adverse impacts to the beneficial uses of the receiving water. The evaluation should include, but need not be limited to, description of the beneficial uses specific to the receiving water, physical and chemical characteristics of the water body and sediment, and the physical, chemical, or biological effects from the constituent(s) on the beneficial uses, including effects related to total or dissolved and hardness for metals with hardness-dependent objectives.

If exceedances are only for metals with hardness-dependent objectives, then the discharger may conduct a hardness study prior to completing this task. The hardness study should assess receiving water hardness (as CaCO_3) and compute a "no effect" concentration for affected metals, using (i) the minimum of a statistically significant number of hardness samples, and (ii) hardness-dependent formula for US EPA freshwater criteria. If effluent metals concentrations fall below the computed "no effect" concentration, then the discharger need not complete the remainder of this task.

If the receiving water study finds that the discharge is having potential adverse impacts to beneficial uses of the receiving water, then:

- d) Evaluate control measures other than treatment to reduce the constituent(s) of concern in the discharge, such as re-evaluating options for re-use, discharge to POTW, or alternatives to groundwater extraction.
- e) Within 180 days of the discharger receiving results of the consecutive sampling, report the results of tasks (a) through (d) above to the Executive Officer, including:
 - the proposed method to eliminate or minimize future non-compliance, or
 - provide a rationale for why no change to the existing program should take place, and

- return to the schedule of sampling and analysis in the Self-Monitoring Program.

The discharger may be required to perform additional evaluations or take additional actions to minimize noncompliance, as deemed necessary by the Executive Officer.

If a violation of the same effluent limit occurs less than 60 months after completion of the required tasks in Cases 1, 2, or 3, then the Executive Officer may waive the evaluation required above. This waiver will not apply if a different inorganic constituent exceeds the effluent limit. In that case, the discharger shall perform an evaluation for that constituent.

5. Stormwater: The discharger shall maintain a Storm Water Pollution Prevention Plan (SWPPP) that meets the requirements of NPDES General Permit CAS000001. Compliance with the SWPPP shall be an enforceable requirement of this permit.

The discharger shall comply with the lawful requirements of municipalities, drainage districts, and other local agencies regarding discharges to storm water systems or other water courses under such local agencies' jurisdiction. These include all applicable requirements developed by the Santa Clara Valley Urban Runoff Pollution Program under NPDES Permit No. CAS029718, including implementing such Best Management Practices as are identified by the Program as appropriate for this facility, or equivalent practices or control measures. Such management practices and a schedule for their implementation shall be addressed in the SWPPP.

6. Permit Expiration: This Order expires on October 20, 2004. The discharger must file a report of waste discharge in accordance with 23 CCR Subchapter 9 not later than 180 days before this expiration date as application for NPDES renewal.
7. EPA Concurrence: This Order shall serve as a general National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after the date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
8. Rescission of Prior Order: The requirements prescribed by this Order supersede the requirements prescribed by Order No. 94-141. Order No. 94-141 is hereby rescinded

F. Standard Provisions

1. No Nuisance: Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.
2. Duty to Comply
 - a. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the discharger must comply with the new standard or prohibition. The Board will revise the Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.
 - b. If more stringent applicable water quality standards are approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the discharger must comply with the new standard. The Board will revise this Order in accordance with such more stringent standards.
 - c. The filing of a request by the discharger for modification or termination of permit coverage, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.
3. Duty to Mitigate: The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order which has a reasonable likelihood of adversely affecting public health or the environment, including such accelerated or additional monitoring as requested by the Board or Executive Officer to determine the nature and impact of the violation.
4. New Pollutants: The discharger must notify the Board as soon as it knows or has reason to believe (1) that they have begun or expect to begin to use and discharge a pollutant not reported in the permit application, or (2) a discharge of toxic pollutants not limited by this permit has occurred or will occur in concentrations that exceed the limits specified in 40 CFR 122.42(a).
5. Prohibited Constituents: The discharge of any radiological, chemical, or biological warfare agent waste is prohibited.
6. Property rights: This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the

commission of any act causing injury to the property of another, nor protect the discharger from liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue the waste discharge, nor guarantee the discharger a capacity right in the receiving water.

7. Inspection and Entry: The Board or its authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of the Order;
 - b. Reasonable access to and duplication of any records that must be kept under the conditions of the Order;
 - c. To inspect at reasonable times any facility, equipment, practices, or operations regulated or required under the Order; and
 - d. To photograph, sample, and monitor at reasonable times for the purpose of assuring compliance with the Order or as otherwise authorized by the Clean Water Act any substances or parameters at any locations.
8. Duty to Provide Information: The discharger shall furnish, within a reasonable time, any information the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit. The discharger shall also furnish to the Board, upon request, copies of records required to be kept by its permit.
9. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The 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 shutting off the system, the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment down time or preventative maintenance; and
 - c. The discharger submitted advance notice of the need for a bypass to the Board. If the discharger knows in advance of the need for a bypass, it

shall submit prior notice, if possible, at least 10 days before the bypass date. The discharger shall submit notice of an unanticipated bypass as required elsewhere in the Self Monitoring Program (24-hour reporting).

The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such cases, the above bypass conditions are not applicable.

10. Continuation of Expired Permit: This permit continues in force and effect until a new permit is issued or the Board rescinds the permit.
11. Treatment Reliability: The discharger shall, at all times, properly operate and maintain all facilities which are used by the discharger to achieve compliance with this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. All of these procedures shall be described in an Operation and Maintenance manual. The discharger shall keep in a state of readiness all systems necessary to achieve compliance with the conditions of this Order. All systems, both those in service and reserve, shall be inspected and maintained on a regular basis. Records shall be kept of the tests and made available to the Board for at least five years.
12. Errata: Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in any report, it shall promptly submit the missing or correct information.
13. False Reporting: 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 noncompliance shall be subject to enforcement procedures as identified below.
14. Transfers: Coverage by this permit is not transferrable to any person except after notice to the Executive Officer. The Executive Officer may require modification of the discharge authorization letter to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
15. Planned Changes: The discharger shall file with the Executive Officer an amended permit application at least 60 days before making any material change in the character, location, or volume of the discharge.
16. Enforcement: The provisions of this section shall not act as a limitation on the statutory or regulatory authority of the Board.

- a. Any violation of the permit constitutes violation of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and regulations adopted thereunder, and is the basis for enforcement action, revocation of permit coverage, denial of an application for continued permit coverage, or a combination thereof.
- b. The Board may impose administrative civil liability, may refer a discharger to the state Attorney General to seek civil monetary penalties, may seek injunctive relief or take other appropriate enforcement action as provided in the California Water Code or federal law for violation of this Order.
- c. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
- d. A discharger seeking to establish the occurrence of an upset has the burden of proof. A discharger who wishes to establish the affirmative defense of any upset in an action brought for non-compliance shall demonstrate through properly signed contemporaneous operating logs or other relevant evidence that: (i) an upset occurred and the permittee can identify the cause of the upset, (ii) the permitted facility was being properly operated at the time of the upset, (iii) the discharger submitted notice of the upset as required, and (iv) the discharger complied with any remedial measures required.

No determination made before an action for non-compliance, such as during administrative review of claims that non-compliance was caused by an upset, is final administrative action subject to judicial review.

17. Definitions

- a. Bypass means the intentional diversion of waste streams from any portion of the treatment facility.
- b. Overflow means the intentional or unintentional spilling or forcing out of untreated or partially treated wastes from a transport system upstream from any part of the treatment facility.
- c. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. It does not mean

economic loss caused by delays in production.

- d. Toxic pollutant means any pollutant listed as toxic under Section 307(a) of the Clean Water Act or implementing regulations.
- e. Upset means an exceptional incident in which there is unintentional temporary non-compliance with technology-based effluent limits in the Order because of factors beyond the reasonable control of the discharger. It does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- f. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in this Order. The requirements of this Order apply to the entire volume of water, and the material therein, which is disposed of to surface and ground waters of the State of California.

I, Lawrence P. Kolb, Assistant Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 18, 1999.



Lawrence P. Kolb
Assistant Executive Officer

Attachment: Self-Monitoring Program

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

FOR

INTERNATIONAL BUSINESS MACHINES
5600 COTTLE ROAD
SAN JOSE, SANTA CLARA COUNTY

NPDES NO. CA0027961
ORDER NO. 99-094

A. GENERAL

Reporting responsibilities of waste dischargers are specified in Sections 13225(a), 13267(b), 13268, 13383 and 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16 and the Environmental Protection Agency's Discharge Monitoring Report (Form 3320-1).

The principal purposes of a monitoring program by a waste discharger, also referred to as self-monitoring program, are: (1) to document compliance with waste discharge requirements and prohibitions established by this Regional Board, (2) to facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of effluent or other limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards, and (4) to prepare water and wastewater quality inventories.

B. SAMPLING AND ANALYTICAL METHODS

Sample collection, storage, and analyses shall be performed according to the 40 CFR 136 or other methods approved and specified by the Executive Officer of this Regional Board.

Water and waste analyses shall be performed by a laboratory approved for these analyses by the State Department of Health Services (DOHS) or a laboratory waived by the Executive Officer from obtaining a certification for these analyses by the DOHS. The director of the laboratory whose name appears on the certification or his/her laboratory supervisor who is directly responsible for analytical work performed shall supervise all analytical work including appropriate quality assurance/quality control procedures in his or her laboratory and shall sign all

reports of such work submitted to the Regional Board.

All monitoring instruments and equipment shall be properly calibrated and maintained to ensure accuracy of measurements.

C. DEFINITION OF TERMS

1. A ***grab sample*** is defined as an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with daily maximum limits and ***instantaneous maximum*** limits. Grab samples represent only the condition that exists at the time the wastewater is collected.
2. A ***flow sample*** is defined as the accurate measurement of the average daily flow volume using a properly calibrated and maintained flow measuring device.
3. ***Duly authorized representative*** is one whose:
 - a. Authorization is made in writing by a principal executive officer or ranking elected official;
 - b. Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as general partner in a partnership, sole proprietor in a sole proprietorship, 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.)
4. ***Instantaneous maximum*** is defined as the highest measurement obtained for the calendar day.
5. ***Median*** of an ordered set of values is that value below and above which there is an equal number of values, or which is the arithmetic mean of the two middle levels, if there is no one middle value

D. SPECIFICATIONS FOR SAMPLING AND ANALYSES

The discharger is required to perform sampling and analyses according to the schedule in Table A in accordance with the following conditions:

1. **Effluent**

- a. Samples of effluent and receiving waters shall be collected on days coincident with influent sampling unless otherwise stipulated. The Board or Executive Officer may approve an alternative sampling plan if it is demonstrated to the Board's satisfaction that expected operating conditions for the facility warrant a deviation from the standard sampling plan.
- b. Grab samples of effluent shall be collected during periods of maximum peak flows and shall coincide with influent sample days.
- c. Fish bioassay samples shall be collected on days coincident with effluent sampling. The fish species to be used for compliance in the 96-hour percent survival static or static renewal fish toxicity bioassay shall be rainbow trout.
- d. Verification of analytical results:
 - 1) If analytical results are received showing any instantaneous maximum limit is exceeded for any *organic* constituent, a confirmation sample shall be taken within 3 business days and results known within 1 business day of the sampling.
 - 2) If analytical results indicate any instantaneous maximum limit is exceeded for any *inorganic* constituent, actions shall be taken and reported as stipulated in Provision E.4 of the permit.
- e. If the final or intermediate results of any single bioassay test indicate a threatened violation (i.e., the percentage of surviving test organisms is less than the required survival percentage), a new test will begin and the discharger shall investigate the cause of the mortalities and report the finding in the next self-monitoring report.
- f. When any type of bypass occurs, grab samples shall be collected on a daily basis for all constituents at all affected discharge points which have effluent limits for the duration of the bypass.

2. Receiving Waters

- a. Receiving water sampling shall be conducted on days coincident with sampling of effluent.
- b. In tidally-influenced receiving waters, samples shall be collected at each station on each sampling day during the period within 1 hour following low slack water. Where sampling at lower slack water period is not

practical, sampling shall be performed during higher slack water period. Samples shall be collected within the discharge plume and downcurrent of the discharge point so as to be representative, unless otherwise stipulated.

- c. Samples shall be collected within one foot below the surface of the receiving water body, unless water depth is less than one foot, in which case a mid-depth sample shall be taken.

E. DESCRIPTION OF SAMPLING STATIONS

Stations	Description
1. Influent	
I-002/003	At a point in the onsite groundwater treatment system immediately prior to treatment.
I-004/005	At a point in the offsite groundwater treatment system immediately prior to treatment (may be more than one point for multiple treatment units).
2. Effluent	
E-002/003	At a point in the onsite groundwater treatment system immediately following treatment but before any discharge or reuse.
E-004/005	At a point in the offsite groundwater treatment system immediately following treatment but before any discharge or reuse (may be more than one point).
3. Receiving Waters	
C-001	At a point in Canoas creek at least 100 feet upstream from the point where waste from the onsite groundwater treatment system discharges to the creek.
C-002	At a point in Canoas creek at least 100 feet downstream from the point where waste from the onsite groundwater treatment system discharges to the creek.

- C-003 At a point in Canoas creek at least 100 feet upstream from the point where waste from the offsite groundwater treatment system discharges to the creek.
- C-004 At a point in Canoas creek at least 100 feet downstream from the point where waste from the offsite groundwater treatment system discharges to the creek.

F. STANDARD OBSERVATIONS

1. Receiving Water

- a. Floating and suspended materials of waste origin (to include oil, grease, algae, and other macroscopic particulate matter): presence or absence, source, and size of affected area.
- b. Discoloration and turbidity: description of color, source, and size of affected area.
- c. Odor: presence or absence, characterization, source, distance of travel, and wind direction.

2. Waste Treatment Facilities

- a. Odor: presence or absence, characterization, source, and distance of travel.
- b. Weather condition: wind direction and estimated velocity.
- c. Deposits, discolorations, and/or plugging in the treatment system (stripping tower, carbon filters, etc.) which could adversely affect the system reliability and performance.
- d. Operation of the float and/or pressure shutoff valves installed to prevent system overflow or bypass.

G. REPORTS TO BE FILED WITH THE REGIONAL BOARD

1. Self-Monitoring Reports

Written reports shall be submitted semi-annually not later than 45 days following the last day of the semi-annual period (i.e. February 15 and August 15). The reports shall be comprised of the following:

a. **Letter of Transmittal:**

A letter transmitting self-monitoring reports should accompany each report. Such a letter shall include:

- 1) Identification of all violations of waste discharge requirements found during the reporting period,
- 2) Details of the magnitude, frequency, and dates of all violations,
- 3) The cause of the violations, and
- 4) Discussion of the corrective actions taken or planned and the time schedule for completion. If the discharger has previously submitted a detailed time schedule for correcting requirement violations, a reference to the correspondence transmitting such schedule will be satisfactory.

Monitoring reports and the letter transmitting reports shall be signed by a principal executive officer or ranking elected official of the discharger, or by a *duly authorized representative* of that person.

The letter shall contain the following certification:

"I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed 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."

b. **Compliance Evaluation Summary**

The report format shall be a format that is acceptable to the Executive Officer.

- c. **Map or Aerial Photograph** A map or aerial photograph shall accompany the report showing sampling and observation station locations.
- d. **Results of Analyses and Observations** The report format shall be a format that is acceptable to the Executive Officer.
 - 1) If the discharger monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Self-Monitoring Report.
 - 2) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
 - 3) The report shall also include a table identifying by method number the analytical procedures used for analyses. Any special methods shall be identified and should have prior approval of the Board's Executive Officer.
 - 4) Lab results shall be summarized in tabular form but do not need to be included in the report.
- e. **List of Approved Analyses**
 - 1) Listing of analyses for which the discharger is approved by the State Department of Health Services.
 - 2) List of analyses performed for the discharger by another approved laboratory (and copies of reports signed by the laboratory director of that laboratory shall also be submitted as part of the report).
 - 3) List of "waived" analyses, as approved by the Executive Officer.
- f. **Flow and Mass Removed Data**
 - 1) The tabulation pursuant to Section H.2.
 - 2) An estimate of the VOC mass removal in pounds (or a reference to the groundwater monitoring report where this data can be found).
- g. **Operation Status** Summary of treatment system status during the reporting period (e.g. in operation/on standby) and reason(s) for non-routine treatment

system shut down.

2. Annual Reporting

By February 15 of each year, the discharger shall submit an annual report to the Regional Board covering the previous calendar year. The annual report shall contain all data required for the second semi-annual period in addition to summary data required for annual reporting. This report may be submitted in lieu of the second semi-annual monitoring report.

The report shall contain tabular summary of the monitoring data obtained during the previous year. In addition, the report shall contain a comprehensive discussion of the compliance record and the corrective actions taken or planned which may be needed to bring the discharger into full compliance with the waste discharge requirements.

3. Spill Reports

If any hazardous substance is discharged in or on any waters of the state, or discharged and deposited where it is, or probably will be discharged in or on any waters of the state, the discharger shall report such a discharge to this Regional Board, at (510) 622-2300 on weekdays during office hours from 8 a.m. to 5 p.m., and to the Office of Emergency Services at (800) 852-7550 during non-office hours. A written report shall be filed with the Regional Board within five (5) working days and shall contain information relative to:

- a. nature of waste or pollutant,
- b. quantity involved,
- c. duration of incident,
- d. cause of spilling,
- e. Spill Prevention, Control, and Countermeasure Plan (SPCC) in effect, if any,
- f. estimated size of affected area,
- g. nature of effects (i.e., fish kill, discoloration of receiving water, etc.),
- h. corrective measures that have been taken or planned, and a schedule of these activities, and
- i. persons/agencies notified.

4. Reports of Treatment Unit Bypass and Permit Violation

In the event the discharger violates or threatens to violate the conditions of the waste discharge requirements and prohibitions or intends to permit a treatment unit bypass due to:

- a. Maintenance work, power failures, or breakdown of waste treatment equipment,
- b. accidents caused by human error or negligence,
- c. the self-monitoring program results exceed effluent limitations,
- d. any activity that would result in a frequent or routine discharge of any toxic pollutant not limited by this Order, or
- e. other causes, such as acts of nature;

The discharger shall notify the Board within one day as soon as the discharger or its agents have knowledge of the incident and confirm this notification in writing within 5 working days of the initial notification. The written report shall include time, date, duration and estimated volume of waste bypassed, method used in estimating volume and person notified of the incident. The report shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to prevent the problem from recurring.

If a violation of INSTANTANEOUS MAXIMUM LIMITS should occur (and be confirmed), the discharge shall be directed to a holding tank and contained, or the extraction and treatment system shall be shut down. The content of the holding tank shall be retreated until the retreated effluent is in compliance, or be disposed in accord with the provisions of Chapter 15, Title 23, California Code of Regulations.

If the treatment system is shut down for more than 120 consecutive hours after the start up period (maintenance, repair, violations, etc.) the reason(s) for shut down, proposed corrective action(s) and estimated start up date shall be orally reported to the Board within five days of shut down and a written submission shall also be provided within 15 days of shut down.

If feasible, the corrective action(s) taken and the proposed start up procedures shall be reported to the Board at least 15 days before start up.

5. **Construction Projects:** The discharger shall file a written technical report to be received at least 30 days prior to advertising for bid (or 60 days prior to construction) on any construction project which would cause or aggravate the discharge of waste in violation of requirements; said report shall describe the nature, cost, and scheduling of all action necessary to preclude such discharge. In no case will any discharge of wastes in violation of permit and order be permitted unless notification is made to the Executive Officer and approval obtained from

the Regional Board.

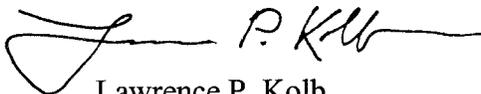
6. **Chemical Additives:** A report describing the need, method of chemical application and disposal shall be submitted to the Board at least 30 days before the use of any new chemicals in the treatment, or operation and maintenance of the treatment units, is to begin. This report shall include toxicity data. The Executive Officer must approve the use of any chemicals prior to the usage of any chemicals in the treatment, operation, and/or maintenance of the treatment units.

H. RECORDS TO BE MAINTAINED

1. Written reports, strip charts, calibration and maintenance records, and other records shall be maintained by the discharger and accessible (at the waste treatment plant), and retained for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board or Regional Administrator of the U.S. Environmental Protection Agency, Region IX. Such records shall show the following for **each** sample:
 - a. Identity of sampling and observation stations by number.
 - b. Date and time of sampling and/or observations.
 - c. Method of sampling (See Section C - Definition of Terms).
 - d. Type of fish bioassay test (96 hour static or flow-through bioassay)
 - e. Date and time that analyses are started and completed, and name of personnel performing the analyses.
 - f. Complete procedure used, including method of preserving sample and identity and volumes of reagents used. A reference to a specific section of ***Standard Methods*** is satisfactory.
 - g. Calculations of results.
 - h. Results of analyses and/or observations.
2. Weekly discharge flow volume shall be recorded, as well as totalized quarterly and annual flow.
3. A tabulation reflecting bypassing and accidental waste spills shall be maintained.

I, Lawrence P. Kolb, Assistant Executive Officer, do hereby certify the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set forth in the Regional Board's Resolution No. 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board Order No. 99-094
2. Was adopted by the Board on November 18, 1999.
3. May be revised by the Executive Officer pursuant to U.S. EPA regulations (40 CFR 122.36); other revisions may be ordered by the Board.



Lawrence P. Kolb
Assistant Executive Officer

Attachment: Table A

TABLE A - SCHEDULE FOR SAMPLING, MEASUREMENT, AND ANALYSIS

Parameter or Constituent	I-002 I-003	E-002 E-003	I-004 I-005	E-004 E-005	C-001 thru C-004
Flow rate (gpm and gpd)		D		2W	
pH (units)		M		M	A
Dissolved oxygen (mg/l and % saturation)					A
Temperature (°C)		M		M	A
Hardness (mg/l as CaCO ₃)		A		A	A
Turbidity (NTU)		A		A	
Total dissolved solids (mg/l)		A		A	A
Total chlorine residual (mg/l)		M		M	
Fish toxicity (% survival in 96 hour bioassay)		A			
VOCs (ug/l, EPA Method 8260 or equivalent) (1)	M	M	Q	Q	
SVOCs (ug/l, EPA Method 625 or equivalent method) (2)	Q	Q			
Metals (ug/l) (3)		A		A	
Standard observations (4)		M		M	A

Key: I = Intermittent (5)
M = Monthly

D = Daily
Q = Quarterly

2W = Every 2 weeks
A = Annually

Notes:

1. The discharger may use EPA Methods 601 and 602 in lieu of EPA Method 8260.
2. SVOC monitoring shall only be required if the steam stripper is in operation.
3. Metals samples shall be unfiltered and maximum method detection limits shall be: arsenic 5 ug/l, cadmium 2 ug/l, chromium 5 ug/l, copper 5 ug/l, lead 5 ug/l, mercury 0.2 ug/l, nickel 5 ug/l, selenium 5 ug/l, silver 5 ug/l, and zinc 10 ug/l.
4. See section F for station-specific observations.
5. At least annually from one location, with number of sampling locations and sampling frequency sufficient to provide representative results (discharger may satisfy E-007 sampling requirements using relevant E-005 sampling results).
6. All samples shall be grab samples.