



California Regional Water Quality Control Board

San Francisco Bay Region



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Arnold Schwarzenegger
Governor

ORDER NO. R2-2008-0003

NPDES NO. CA0038539

The following Dischargers are authorized to discharge in accordance with the conditions set forth in this Order.

Table 1. Discharger Information

Dischargers	1. West County Agency (WCA), including its member agencies listed below: 2. West County Wastewater District (WCWD), 3. City of Richmond 4. Richmond Municipal Sewer District No.1
Name of Facilities	1. West County Agency Common Outfall 2. WCWD Treatment Plant and Its Collection System, and 3. RMSD Water Pollution Control Plant and Its Collection System
Facility 1 Address	West County Agency (mailing address) 2910 Hilltop Drive Richmond, CA 94806
Facility 2 Address	West County Wastewater District Treatment Plant 2377 Garden Tract Road Richmond, CA 94801
Facility 3 Address	RMSD Water Pollution Control Plant 601 Canal Boulevard Richmond, CA 94804
The U.S. Environmental Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a major discharge.	

The discharge by the above listed Dischargers from the discharge point identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Secondary treated POTW effluent	37° 54' 47" N	122° 25' 06" W	Central San Francisco Bay

Table 3. Administrative Information

This Order was adopted by the Regional Water Board on:	January 30, 2008
This Order shall become effective on:	April 1, 2008
This Order shall expire on:	March 31, 2013
The Dischargers shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	180 days prior to the Order expiration date

West County Agency
ORDER NO. R2-2008-0003
NPDES NO. CA0038539

I, Bruce H. Wolfe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 30, 2008.

Bruce H. Wolfe, Executive Officer

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I. FACILITY INFORMATION

The following Dischargers are subject to waste discharge requirements as set forth in this Order:

Table 4. Facility Information

Dischargers	1. West County Agency (WCA), including its member agencies 2. West County Wastewater District (WCWD), and 3. City of Richmond 4. Richmond Municipal Sewer District No.1 (RMSD)		
Name of Facilities	1. West County Agency Common Outfall 2. WCWD Treatment Plant and Its Collection System, 3. RMSD Water Pollution Control Plant and Its Collection System		
Facility Addresses	1.2910 Hilltop Drive	2. 2377 Garden Tract Road	3. 601 Canal Boulevard
	Richmond, CA 94806	Richmond, CA 94801	Richmond, CA 94804
	Contra Costa County	Contra Costa County	Contra Costa County
Facility Contacts, Titles, and Phones	1&2. E.J. Shalaby, WCA Manager, 510-222-6700 3. Rich Davidson, City Engineer and contact for RMSD, 510-307-8105		
Mailing Addresses	1.2910 Hilltop Drive	2. 2910 Hilltop Drive	3. 1401 Marina Way S.
	Richmond, CA 94806	Richmond, CA 94806	Richmond, CA 94804
	Contra Costa County	Contra Costa County	Contra Costa County
Type of Facilities	Publicly Owned Treatment Plant (POTW)		
Facility Design Flows	2. 12.5 MGD dry weather capacity 21 MGD wet weather capacity 3. 16 MGD dry weather capacity 20 MGD wet weather capacity		

II. FINDINGS

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

- A. Background.** West County Agency (WCA), a Joint Powers Agency whose members are (1) West County Wastewater District (WCWD), (2) the City of Richmond, and (3) Richmond Municipal Sewer District No.1 (RMSD), is currently discharging under Order No. 01-144 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038539. WCA and its three member agencies are hereinafter referred to as Dischargers. The Dischargers submitted a Report of Waste Discharge, dated May 3, 2006, and applied for an NPDES permit reissuance to discharge treated wastewater to Central San Francisco Bay, a water of the United States, via a submerged diffuser.
- B. Facility Description.** This permit regulates two separate wastewater treatment plants that combine their treated effluent prior to discharge. The locations of the treatment plants and the combined outfall are shown in Attachment B. WCWD owns and operates a plant at 2377 Garden Tract Road in Richmond. This plant serves a population of about 90,000 covering parts of Richmond, the City of San Pablo, the communities of Tara Hills, Rollingwood, Bayview, El Sobrante, the Crestview portion of Pinole, and some unincorporated portions of Contra Costa County. It has a design flow rate of 12.5 million gallons per day (MGD) during dry weather, but it has a hydraulic capacity of 21 MGD during wet weather conditions. The average daily flow rate in 2006 was approximately 9.8 MGD.

The City of Richmond and RMSD own and operate the RMSD Water Pollution Control Plant (Richmond plant) at 601 Canal Boulevard in Richmond. RMSD was formed to facilitate allocation of tax money from residents in the area of Richmond covered by this District, but it has no employees and it is operated by the City of Richmond. This plant serves a population of about 68,000 covering most of the incorporated area of Richmond. It has a design flow rate of 16 MGD during dry weather, but it has a hydraulic capacity of 20 MGD during wet weather conditions. The average daily flow rate in 2006 was about 8.5 MGD. Effluent from the WCWD plant and the Richmond plant are combined prior to discharge from the West County Agency Common Outfall into San Francisco Bay.

WCWD and RMSD independently own and operate their treatment plants and the sanitary sewer collection systems within their separate service areas. WCWD has about 249 miles of gravity sewer and 11 miles of force main with 17 pump stations. RMSD has about 187 miles of sewer line with 12 pump stations.

The wastewater treatment processes at the WCWD plant consist of bar screens, an aerated grit chamber, primary clarifiers, a roughing filter, aeration basins, secondary clarifiers, and chlorine contact basins. The wastewater treatment processes at the Richmond plant consist of bar screens, grit removal chambers, primary clarifiers, activated sludge basins, secondary clarifiers, and chlorine contact basins. Flow diagrams for both the WCWD plant and the Richmond plant are shown in Attachment C. Treated wastewater from the WCWD plant is transported to the Richmond plant for dechlorination and discharge. The treated wastewater from the Richmond plant is combined with the effluent from the WCWD plant where it is dechlorinated and then discharged through WCA's combined deep-water outfall into central San Francisco Bay.

Wet weather conditions sometime exceed the secondary treatment capacity at the Richmond plant due to infiltration into the collection systems. Under these conditions, the excess primary-treated flows are diverted around the biological treatment units to wet weather storage. Once storage is at capacity, excess primary-treated flows are blended with the secondary-treated wastewater. The combined flow is disinfected and dechlorinated prior to discharge to the Bay. The stored wastewater is treated through the secondary treatment units after wet weather flows subside and there is capacity in those units.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G through H are also incorporated into this Order.

- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-Based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations¹, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR, Part 133. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).
- G. Water Quality-based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. [This Order contains requirements, expressed as a technology equivalence requirement, more stringent than secondary treatment requirements that are necessary to meet applicable water quality standards. The rationale for these requirements, which consist of equivalent requirements or other provisions, is discussed in the Fact Sheet (Attachment F).]

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

- H. Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the San Francisco Bay Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Because of the marine influence on receiving waters of San Francisco Bay, total dissolved solids levels in the Bay commonly (and often significantly) exceed 3000 mg/L and thereby meet an exemption to State Water Board Resolution No. 88-63. Therefore, the MUN designation is not applicable to Central San Francisco Bay. Beneficial uses applicable to Central San Francisco Bay are as follows:

¹ All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

Table 5. Basin Plan Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Use(s)
E-001-DC	Central San Francisco Bay	Ocean Commercial and Sport Fishing (COMM) Estuarine Habitat (EST) Industrial Service Supply (IND) Fish Migration (MIGR), Navigation (NAV) Industrial Process Water Supply (PROC) Preservation of Rare and Endangered Species (RARE) Water Contact Recreation (REC1) Non-contact Water Recreation (REC2) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD)

Requirements of this Order implement the Basin Plan.

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.
- J. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.
- K. Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order includes

compliance schedules and interim effluent limitations. A detailed discussion of the basis for the compliance schedules and interim effluent limitations is included in the Fact Sheet (Attachment F).

- L. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. [40 CFR. §131.21; 65 Fed. Reg. 24641 (April 27, 2000)]. Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.
- M. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on BOD, TSS, Oil and Grease, pH, and chlorine residual. Restrictions on these pollutants are discussed in the attached Fact Sheet, Attachment F. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA. Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.
- N. Antidegradation Policy.** 40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of federal antidegradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F), the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution No. 68-16.
- O. Anti-Backsliding Requirements.** CWA sections 402(o) (2) and 303(d)(4) and NPDES regulations at 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. Some effluent limitations in the previous Order have been removed. As discussed in detail in the Fact Sheet (Attachment F), this removal of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

- P. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Dischargers are responsible for meeting all requirements of the applicable Endangered Species Act.
- Q. Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code Sections 13267 and 13383 authorizes the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- R. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Dischargers. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet, Attachment F.
- S. Notification of Interested Parties.** The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to adopt an NPDES permit and prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F).
- T. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

THEREFORE, IT IS HEREBY ORDERED, that Order No. 01-144 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with Section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Dischargers shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A. Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.
- B. Discharge of treated wastewater at any point where it does not receive an initial dilution of at least 25:1 is prohibited. During the periods of Delta outflows less than 8,000 cubic feet per second, the wastewater shall receive a minimum initial dilution of 45:1.
- C. The bypass of untreated or partially treated wastewater to waters of the United States is prohibited, except as provided for in the conditions stated in 40 CFR 122.41(m)(4) and in A.13 of the

Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993 (Attachment G).

Blended wastewater is biologically treated wastewater blended with wastewater that has been diverted around biological treatment units or advanced treatment units. Such discharges are approved under the bypass conditions stated in 40 CFR 122.41(m)(4) (1) when the peak wet weather effluent flow volumes at the Richmond plant exceed the wet weather capacity of 20.0 MGD, (2) when the discharge complies with the effluent and receiving water limitations contained in this Order, and (3) provided the City of Richmond and RMSD satisfies Provision VI.C.5.c. Furthermore, the City of Richmond and RMSD shall operate their facilities as designed and in accordance with the Operation & Maintenance Manual developed for their facilities. This means that they shall optimize storage and use of equalization units, and shall fully utilize the biological treatment units and advanced treatment units, if applicable. The City of Richmond and RMSD shall report incidents of the anticipated blended effluent discharges in routine monitoring reports, and shall conduct monitoring of this discharge as specified in the attached MRP (Attachment E). Bypasses are prohibited at the WCWD plant.

- D. The average dry weather flow, as measured at A-001 for the WCWD treatment plant, shall not exceed 12.5 MGD. The average dry weather flow, as measured at A-002 for the Richmond treatment plant, shall not exceed 16 MGD. Actual average dry weather flow shall be determined for compliance with this prohibition over three consecutive dry weather months each year.
- E. Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

1. Effluent Limitations for Conventional Pollutants.

The discharge to Central San Francisco Bay shall maintain compliance with the following effluent limitations, with compliance measured at each treatment facility (monitoring locations E-001-D1 and E-001-D2) and at the combined outfall (monitoring location E-001-DC) as indicated in Table 6 and described in the attached Monitoring and Reporting Program (Attachment E).

Table 6. Conventional Effluent Limitations

Parameter	Units	Location	Effluent Limitations				
			Average Monthly	Average Weekly	Max. Daily	Instant. Min.	Instant. Max.
Biochemical Oxygen Demand (BOD), 5-day @ 20°C (BOD ₅)	mg/L	E-001-D1 & E-001-D2	30	45	---	---	---
Percent Removal of BOD ₅	%	E-001-D1 & E-001-D2	85	---	---	---	---
Total Suspended Solids (TSS)	mg/L	E-001-D1 & E-001-D2	30	45	---	---	---
TSS percent removal	%	E-001-D1 & E-001-D2	85	---	---	---	---
pH ⁽¹⁾	Standard units	E-001-D1 & E-001-D2	---	---	---	6.0	9.0

Parameter	Units	Location	Effluent Limitations				
			Average Monthly	Average Weekly	Max. Daily	Instant. Min.	Instant. Max.
Total Chlorine Residual ⁽²⁾	mg/L	E-001-DC	---	---	---	---	0.0
Oil and Grease	mg/L	E-001-D1 & E-001-D2	10	---	20	---	---

Footnotes for Table 6:

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

(2) Requirement defined as below the limit of detection in standard test methods defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*. The Dischargers may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine residual and sodium bisulfite (or other dechlorinating chemical) dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff may conclude that these false positive chlorine residual exceedances are not violations of this permit limitation.

2. **Total Coliform Bacteria:** The five-sample median total coliform density shall not exceed 240 MPN/100 mL and the daily maximum value shall not exceed 10,000 MPN/100mL measured at each treatment facility (monitoring locations E-001-D1 and E-001-D2).
3. **Effluent Limitations for Toxics Substances:** The discharge of treated wastewater shall maintain compliance with the effluent limitations listed in Table 7 for toxic pollutants, at E-001-DC, as described in the attached MRP (**Attachment E**):

Table 7. Effluent Limitations for Toxic Substances ^(1,4)

Constituent	Water Quality-Based Effluent Limits (WQBELs)		Interim Limits	
	Maximum Daily (MDEL) (µg/L) ⁽⁶⁾	Average Monthly (AMEL) (µg/L) ⁽⁶⁾	Maximum Daily (µg/L)	Average Monthly (µg/L)
Copper ⁽²⁾	100	71	---	---
Mercury	0.038	0.021	---	---
Nickel	59	34	---	---
Selenium	8.9	3.8	---	---
Cyanide ⁽³⁾	15	7.8	---	---
Bis(2-ethylhexyl)phthalate	150	55	---	---
Dioxin-TEQ ⁽⁵⁾	2.8E-08	1.4E-08	---	---
4,4-DDD	0.0017	0.00084	0.05	---
Heptachlor	0.0041	0.0020	0.01	---
Total Ammonia (mg/L as N)	59	32	---	---

Footnotes for Table 7:

- (1) (a) All analyses shall be performed using current U.S. EPA approved methods, or equivalent methods approved in writing by the Executive Officer.

- (b) Limitations apply to the average concentration of all samples collected during the averaging period (daily = 24-hour period; monthly = calendar month).
- (c) All metal limitations are total recoverable.

(2) Alternate Effluent Limits for Copper:

- a. If a copper SSO for the receiving water becomes legally effective, resulting in adjusted saltwater CCC of 2.5 µg/L and CMC of 3.9 µg/L as documented in the *North of Dumbarton Bridge Copper and Nickel Site-Specific Objective (SSO) Derivation (Clean Estuary Partnership December 2004)*, upon its effective date, the following limitations shall supersede those copper limitations listed in Table 7 (the rationale for these effluent limitations can be found in the Fact Sheet [Attachment F]).

MDEL of 76 µg/L, and AMEL of 53 µg/L.

(3) Alternate Effluent Limits for Cyanide:

- a. If a cyanide SSO for the receiving water becomes legally effective, resulting in adjusted saltwater CCC of 2.9 µg/L (based on the assumption in Staff Report on Proposed Site-Specific Water Quality Objectives of Cyanide for San Francisco Bay, dated December 4, 2006), upon its effective date, the following limitations shall supersede those cyanide limitations listed in Table 7 (the rationale for these effluent limitations can be found in the Fact Sheet [Attachment F]).

MDEL of 41 µg/L, and AMEL of 21 µg/L

- (4) Minimum Levels. The Dischargers shall achieve the following minimum levels for compliance determination purposes as defined in Section VII of this Order.

Table 8. Minimum Levels

<u>Constituent</u>	<u>Minimum Level</u>	<u>Units</u>
Copper	0.5 or 2	µg/L
Mercury	0.0005	µg/L
Nickel	1 or 5	µg/L
Selenium	2 or 5	µg/L
Cyanide	5	µg/L
Bis(2-ethylhexyl)phthalate	5	µg/L
4,4-DDD	0.05	µg/L
Heptachlor	0.01	µg/L
2,3,7,8-TCDD	5	pg/L
1,2,3,7,8-PeCDD	25	pg/L
1,2,3,4,7,8-HxCDD	25	pg/L
1,2,3,6,7,8-HxCDD	25	pg/L
1,2,3,7,8,9-HxCDD	25	pg/L
1,2,3,4,6,7,8-HpCDD	25	pg/L
OCDD	50	pg/L
2,3,7,8-TCDF	5	pg/L
1,2,3,7,8-PeCDF	25	pg/L

2,3,4,7,8-PeCDF	25	pg/L
1,2,3,4,7,8-HxCDF	25	pg/L
1,2,3,6,7,8-HxCDF	25	pg/L
1,2,3,7,8,9-HxCDF	25	pg/L
2,3,4,6,7,8-HxCDF	25	pg/L
1,2,3,4,6,7,8-HpCDF	25	pg/L
1,2,3,4,7,8,9-HpCDF	25	pg/L
OCDF	50	pg/L

(5) The WQBEL for dioxin-TEQ shall become effective on November 30, 2011

(6) Units for ammonia are mg/L.

4. Acute Toxicity

- a. Representative samples of the discharge at E-001-DC shall meet the following limitations for acute toxicity. Bioassays shall be conducted in compliance with Section V.A of the Monitoring and Reporting Program (MRP, Attachment E).

The survival of organisms in undiluted effluent shall be an eleven (11) sample median value of not less than 90 percent survival, and an eleven (11) sample 90 percentile value of not less than 70 percent survival.

- b. These acute toxicity limitations are further defined as follows:

11 sample median: Any bioassay test showing survival of 90 percent or greater is not a violation of this limit. A bioassay test showing survival of less than 90 percent represents a violation of this effluent limit if five or more of the past ten or less bioassay tests show less than 90 percent survival.

90th percentile: A bioassay test showing survival of less than 70 percent represents a violation of this effluent limit if one or more of the past ten or less bioassay tests show less than 70 percent survival.

- c. Bioassays shall be performed using the most up-to-date USEPA protocol and the most sensitive species as specified in writing by the Executive Officer based on the most recent screening test results. Bioassays shall be conducted in compliance with “Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms,” currently 5th Edition (EPA-821-R-02-012), with exceptions granted to the Dischargers by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP) upon the Dischargers' request with justification.
- d. If the Dischargers can demonstrate to the satisfaction of the Executive Officer that toxicity exceeding the levels cited above is caused by ammonia and that the discharge is in compliance with the ammonia limits, then such toxicity does not constitute a violation of this effluent limitation.

5. Chronic Toxicity

- a. Compliance with the Basin Plan narrative chronic toxicity objective shall be demonstrated according to the following tiered requirements based on results from representative samples of the discharge, as measured at E-001-DC, meeting test acceptability criteria and Section V.B of the MRP (Attachment E). Failure to conduct the required toxicity tests or a TRE within a designated period shall result in the establishment of effluent limitations for chronic toxicity.
 - 1) Conduct routine monitoring.
 - 2) Accelerate monitoring after exceeding a three sample median value of 10 chronic toxicity units (TUc) or a single sample maximum of 20 TUc or greater. Accelerated monitoring shall consist of monthly monitoring.
 - 3) Return to routine monitoring if accelerated monitoring does not exceed either “trigger” in (2), above.
 - 4) If accelerated monitoring confirms consistent toxicity above either “trigger” in (2), above, initiate toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) in accordance with a workplan submitted in accordance with Section V.B of the MRP (Attachment E), and that incorporates any and all comments from the Executive Officer.
 - 5) Return to routine monitoring after appropriate elements of TRE workplan are implemented and either the toxicity drops below “trigger” levels in (2), above, or, based on the results of the TRE, the Executive Officer authorizes a return to routine monitoring.

b. Test Species and Methods

The Dischargers shall conduct routine monitoring with the test species and protocols specified in Section V.B of the MRP (Attachment E). The Dischargers shall also perform Chronic Toxicity Screening Phase monitoring as described in the Appendix E-1 of the MRP (Attachment E). Chronic Toxicity Monitoring Screening Phase Requirements, Critical Life Stage Toxicity Tests and definitions of terms used in the chronic toxicity monitoring are identified in Appendices E-1 and E-2 of the MRP (Attachment E).

6. Mass Emission Limit for Mercury and Selenium

Until TMDL and wasteload allocation (WLA) efforts for mercury and selenium provide enough information to establish a different WQBEL, the Dischargers shall demonstrate that the current mercury and selenium mass loadings to the receiving water do not increase by complying with the following:

- a. Mass limit. The 12-month moving average annual load shall not exceed 0.72 kilograms per month (kg/mo) for mercury and 15.2 kg/mo for selenium.

- b. Compliance with this limit shall be evaluated using 12-month moving average mass loading over the previous 12 months of monitoring, computed as described below:

Monthly Mass Loading (kg/mo) = monthly plant discharge flow (in MGD) from the Outfall (001) × monthly effluent concentration measurements (in µg/L) corresponding to the above flow, for samples taken at 001 × 0.1151 (conversion factor to convert million gallons/day × µg/L to kg/mo).

12-month Moving Average Mass Loading = Running average of last 12 monthly mass loadings in kg/mo.

- c. The Clean Water Act's anti-backsliding rule, Section 402(o), indicates that effluent limits may be modified to include a less stringent requirement following adoption of a TMDL and WLA, if the requirements for an exception to the rule are met. The mercury and selenium TMDLs and their WQBELs and WLAs will supersede the mercury and selenium WQBELs listed in Table 7 and the interim mass limitations listed in Effluent Limitation 6.a upon their implementation through either a permit amendment, a new permit, or adoption of a watershed permit for mercury and selenium.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in Central San Francisco Bay.

1. The discharge shall not cause the following conditions to exist in waters of the State:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foams;
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil and other products of petroleum origin; and
 - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, 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. The discharge of waste shall not cause the following limits to be exceeded in waters of the State within one foot of the water surface:
 - a. Dissolved Oxygen 5.0 mg/L, minimum

The median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, then the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.

- b. Dissolved Sulfide Natural background levels
- c. pH Within 6.5 and 8.5
- d. Nutrients: Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

B. Groundwater Limitations
N/A

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Dischargers shall comply with all Standard Provisions included in Attachment D of this Order.
2. **Regional Water Board Standard Provisions.** The Dischargers shall comply with all applicable items of the *Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993* (Attachment G), and any amendments thereto. Where provisions or reporting requirements specified in this Order and Attachment G are different for equivalent or related provisions or reporting requirements given in the Standard Provisions in Attachment D, the specifications of this Order and/or Attachment G shall apply in areas where those provisions are more stringent. Duplicative requirements in the federal Standard Provisions in VI.A.1.2, above (Attachment D) and the regional Standard Provisions (Attachment G) are not separate requirements. A violation of a duplicative requirement does not constitute two separate violations.

B. Monitoring and Reporting Program Requirements

The Dischargers shall comply with the Monitoring and Reporting Program (MRP), and future revisions thereto, in Attachment E of this Order. The Dischargers shall also comply with the requirements contained in *Self-Monitoring Program, Part A, August 1993* (Attachment G).

C. Special Provisions

1. Reopener Provisions

The Regional Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances as allowed by law:

- a. If present or future investigations demonstrate that the discharge(s) governed by this Order will or have a reasonable potential to cause or contribute to, or will cease to, have adverse impacts on water quality and/or beneficial uses of the receiving waters.
- b. If new or revised WQOs, or TMDLs come into effect for the San Francisco Bay estuary and contiguous water bodies (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order will be modified as necessary to reflect updated WQOs and waste load allocations in TMDLs.
- c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified.
- d. If administrative or judicial decision on a separate NPDES permit or WDR that addresses requirements similar to this discharge; and
- e. As authorized by law.

The Dischargers may request permit modification based on b, c, d, and e above. The Dischargers shall include in any such request an antidegradation and antibacksliding analysis.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Effluent Characterization for Selected Constituents

The Dischargers shall continue to monitor and evaluate the discharge from E-001-DC for the constituents listed in Enclosure A of the Regional Water Board's August 6, 2001 Letter, according to the sampling frequency specified in the attached MRP (Attachment E). Compliance with this requirement shall be achieved in accordance with the specifications stated in the Regional Water Board's August 6, 2001 Letter under Effluent Monitoring for Major Dischargers.

The Dischargers shall evaluate on an annual basis if concentrations of any constituent increase over past performance. The Dischargers shall investigate the cause of the increase. The investigation may include, but need not be limited to, an increase in the effluent monitoring frequency, monitoring of internal process streams, and monitoring of influent sources. This may be satisfied through identification of these constituents as "Pollutants of Concern" in the Dischargers' Pollutant Minimization Programs described in Provision C.3.b, below. A summary of the annual evaluation of data and source investigation activities shall also be reported in the annual self-monitoring report.

A final report that presents all the data shall be submitted to the Regional Water Board no later than 180 days prior to the Order expiration date. This final report shall be submitted with the application for permit reissuance.

b. Ambient Background Receiving Water Study

The Dischargers shall collect or participate in collecting background ambient receiving water monitoring for priority pollutants that are required to perform an RPA and to

calculate effluent limitations. The data on the conventional and certain non-conventional water quality parameters (pH, salinity, and hardness) shall also be sufficient to characterize these parameters in the receiving water at a point after the discharge has mixed with the receiving waters. This provision may be met through monitoring through the Collaborative Bay Area Clean Waters Agencies (BACWA) Study, or a similar ambient monitoring program for San Francisco Bay. This permit may be reopened, as appropriate, to incorporate effluent limits or other requirements based on Regional Water Board review of these data.

Final Report: The Dischargers shall submit (or cause to be submitted on its behalf) a final report that presents all the data to the Regional Water Board 180 days prior to Order expiration. This final report shall be submitted with the application for permit reissuance. This requirement can be met through the submittal of receiving water data as it becomes available through the BACWA study or a similar program.

c. Optional Mass Offset

If the Dischargers can demonstrate that further net reductions of the total mass loadings of 303(d)-listed pollutants to the receiving water cannot be achieved through economically feasible measures such as aggressive source control, wastewater reuse, and treatment plant optimization, but only through a mass offset program, the Dischargers may submit to the Regional Water Board for approval a mass offset plan to reduce 303(d)-listed pollutants to the same watershed or drainage basin. The Regional Water Board may modify this Order to allow an approved mass offset program.

3. Best Management Practices and Pollutant Minimization Program

- a. The Dischargers shall continue to improve, in a manner acceptable to the Executive Officer, its existing Pollutant Minimization Program to promote minimization of pollutant loadings to the treatment plant and therefore to the receiving waters.
- b. The Dischargers shall submit an annual report, acceptable to the Executive Officer, no later than February 28 of each calendar year. Each annual report shall include at least the following information:
 - i. *A brief description of its treatment plant, treatment plant processes and service area.*
 - ii. *A discussion of the current pollutants of concern.* Periodically, the Dischargers shall analyze their own situation to determine which pollutants are currently a problem and/or which pollutants may be potential future problems. This discussion shall include the reasons why the pollutants were chosen.
 - iii. *Identification of sources for the pollutants of concern.* This discussion shall include how the Dischargers intend to estimate and identify sources of the pollutants. The Dischargers should also identify sources or potential sources not directly within the ability or authority of the Dischargers to control, such as pollutants in the potable water supply and air deposition.

- iv. *Identification of tasks to reduce the sources of the pollutants of concern.*
This discussion shall identify and prioritize tasks to address the Dischargers' pollutants of concern. The Dischargers may implement tasks themselves or participate in group, regional, or national tasks that will address its pollutants of concern. The Dischargers are strongly encouraged to participate in group, regional, or national tasks that will address its pollutants of concern whenever it is efficient and appropriate to do so. A time line shall be included for the implementation of each task.
- v. *Outreach to employees.* The Dischargers shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the treatment facilities. The Dischargers may provide a forum for employees to provide input to the program.
- vi. *Continuation of Public Outreach Program.* The Dischargers shall prepare public outreach programs to communicate pollution prevention to its service area. Outreach may include participation in existing community events such as county fairs, initiating new community events such as displays and contests during Pollution Prevention Week, conducting school outreach programs, conducting plant tours, and providing public information in newspaper articles or advertisements, radio or television stories or spots, newsletters, utility bill inserts, and web site. Information shall be specific to the target audiences. The Dischargers shall coordinate with other agencies as appropriate.
- vii. *Discussion of criteria used to measure Program's and tasks' effectiveness.*
The Dischargers shall establish criteria to evaluate the effectiveness of their Pollution Minimization Program. This shall also include a discussion of the specific criteria used to measure the effectiveness of each of the tasks in item b.iii., b.iv., b.v., and b.vi.
- viii. *Documentation of efforts and progress.* This discussion shall detail all of the Dischargers' activities in the Pollution Minimization Program during the reporting year.
- ix. *Evaluation of Program's and tasks' effectiveness.* This Dischargers shall utilize the criteria established in v.ii. to evaluate the Program's and tasks' effectiveness.
- x. *Identification of specific tasks and time schedules for future efforts.* Based on the evaluation, the Dischargers shall detail how they intend to continue or change its tasks in order to more effectively reduce the amount of pollutants to the treatment plant, and subsequently in its effluent.

c. Pollutant Minimization Program for Pollutants with Effluent Limitations

The Dischargers shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either:

- i. A sample result is reported as DNQ and the effluent limitation is less than the RL; or
 - ii. A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in the SIP.
- d. If triggered by the reasons in c. above, the Dischargers' PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:
- i. An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures approved by the Executive Officer when it is demonstrated that source monitoring is unlikely to produce useful analytical data;
 - ii. Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system, or alternative measures approved by the Executive Officer, when it is demonstrated that influent monitoring is unlikely to produce useful analytical data;
 - iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;
 - iv. Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and
 - v. The annual report required by 3.b. above, shall specifically address the following items:
 1. All PMP monitoring results for the previous year;
 2. A list of potential sources of the reportable priority pollutant(s);
 3. A summary of all actions undertaken pursuant to the control strategy; and
 4. A description of actions to be taken in the following year.

4. Construction, Operation and Maintenance Specifications

a. Wastewater Facilities, Review and Evaluation, and Status Reports

- (1) The Dischargers shall operate and maintain their wastewater collection, treatment, and disposal facilities in a manner to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the Dischargers' service responsibilities.
- (2) The Dischargers shall regularly review and evaluate their wastewater facilities and operation practices in accordance with section a.1 above. Reviews and evaluations shall be conducted as an ongoing component of the Dischargers' administration of their wastewater facilities.
- (3) The Dischargers shall provide the Executive Officer, upon his or her request, a report describing the current status of their wastewater facilities and operation practices, including any recommended or planned actions and an estimated time schedule for these actions. The Dischargers shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable wastewater facility programs or capital improvement projects.

b. Operations and Maintenance (O&M) Manual, Review and Status Reports

- (1) The Dischargers shall maintain O&M Manuals as described in the findings of this Order for the Dischargers' wastewater facilities. The O&M Manual shall be maintained in usable condition, and available for reference and use by all applicable personnel.
- (2) The Dischargers shall regularly review, revise, or update, as necessary, the O&M Manual(s) so that the document(s) may remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and revisions or updates shall be completed as necessary. For any significant changes in treatment facility equipment or operation practices, applicable revisions shall be completed within 90 days of completion of such changes.
- (3) The Dischargers shall provide the Executive Officer, upon his or her request, a report describing the current status of their O&M Manuals, including any recommended or planned actions and an estimated time schedule for these actions. The Dischargers shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable changes to, its operations and maintenance manual.

c. Contingency Plan, Review and Status Reports

- (1) The Dischargers shall maintain Contingency Plans as required by Regional Water Board Resolution No. 74-10 (Attachment G), and as prudent in accordance with current municipal facility emergency planning. The discharge of pollutants in

violation of this Order where the Dischargers have failed to develop and/or adequately implement a contingency plan will be the basis for considering such discharge a willful and negligent violation of this Order pursuant to Section 13387 of the California Water Code.

- (2) The Dischargers shall regularly review, and update as necessary, their Contingency Plans so that the plan may remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and updates shall be completed as necessary.
- (3) The Dischargers shall provide the Executive Officer, upon his or her request, a report describing the current status of their Contingency Plans review and update. The Dischargers shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable changes to, their Contingency Plans.

5. Special Provisions for POTW

a. Pretreatment Program

- 1) Pretreatment Program: The Dischargers shall implement and enforce their approved pretreatment programs in accordance with Federal Pretreatment Regulations (40 CFR § 403), pretreatment standards promulgated under Section 307(b), 307(c), and 307(d) of the Clean Water Act, pretreatment requirements specified under 40 CFR § 122.44(j), and the requirements in **Attachment H**, "Pretreatment Requirements." The Dischargers' responsibilities include, but are not limited to:
 - i. Enforcement of National Pretreatment Standards of 40 CFR §§ 403.5 and 403.6;
 - ii. Implementation of its pretreatment program in accordance with legal authorities, policies, procedures, and financial provisions described in the General Pretreatment regulations (40 CFR § 403) and its approved pretreatment program;
 - iii. Submission of reports to USEPA, the State Water Board, and the Regional Water Board, as described in **Attachment H** "Pretreatment Requirements".
 - iv. Evaluate the need to revise local limits under 40 CFR § 403.5(c)(1); and within 180 days after the effective date of this Order, submit a report describing the changes with a plan and schedule for implementation.
- 2) The Dischargers shall implement their approved pretreatment programs and the programs shall be an enforceable condition of this permit. If the Dischargers fail to perform the pretreatment functions, the Regional Water Board, the State Water Board, or the USEPA may take enforcement actions against the Dischargers as authorized by the Clean Water Act.

b. Sludge Management Practices Requirements

- 1) All sludge generated by the Dischargers 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 §503. If the Dischargers desire to dispose of sludge by a different method, a request for permit modification must be submitted to USEPA 180 days before start-up of the alternative disposal practice. All the requirements in 40 CFR §503 are enforceable by USEPA whether or not they are stated in an NPDES permit or other permit issued to the Dischargers. The Regional Water Board should be copied on relevant correspondence and reports forwarded to USEPA regarding sludge management practices.
- 2) Sludge treatment, storage and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, or result in groundwater contamination.
- 3) The Dischargers shall take all reasonable steps to prevent or minimize any sludge use or disposal which has a likelihood of adversely affecting human health or the environment.
- 4) Sludge at the Dischargers' facilities shall not cause waste material to be in a position where it is or can be carried from the facility and deposited in waters of the State.
- 5) The sludge treatment and storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect boundaries of the site from erosion, and to prevent any conditions that would cause drainage from the materials in the temporary 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.
- 6) For sludge that is applied to the land, placed on a surface disposal site, or fired in a sludge incinerator as defined in 40 CFR §503, the Dischargers shall submit an annual report to USEPA and the Regional Water Board containing monitoring results and pathogen and vector attraction reduction requirements as specified by 40 CFR §503, postmarked by February 15 of each year, for the period covering the previous calendar year.
- 7) Sludge that is disposed of in a municipal solid waste landfill must meet the requirements of 40 CFR §258. In the annual self-monitoring report, the Dischargers shall include the amount of sludge disposed of and the landfill(s) to which it was sent.
- 8) Permanent on-site sludge storage or disposal activities are not authorized by this permit. A Report of Waste Discharge shall be filed and the site brought into compliance with all applicable regulations prior to commencement of any such activity by the Dischargers.
- 9) Sludge Monitoring and Reporting Provisions of this Regional Water Board's Standard Provisions (Attachment G), apply to sludge handling, disposal and reporting practices.

10) The Regional Water Board may amend this permit prior to expiration if changes occur in applicable state and federal sludge regulations.

c. Utility Analysis and Implementation Schedule for Wet Weather Bypass of Secondary Treatment

180 days prior to the Order expiration date, the City of Richmond and RMSD shall complete and submit a utility analysis if they seek to continue to bypass peak wet weather flows around their secondary treatment units. The utility analysis must satisfy 40 CFR 122.4 (m)(4)(i)(A)-(C), and any applicable policy or guidance such as the process set forth in Part 1 of USEPA's Peak Wet Weather Policy's No Feasible Alternatives Analysis Process (available at <http://cfpub.epa.gov/npdes/wetweather.cfm>) once it is finalized. Specifically, the City of Richmond and RMSD shall more fully evaluate the extent to which they maximize their ability to reduce inflow/infiltration throughout their entire collection system.

d. Sanitary Sewer Overflows and Sewer System Management Plan

The Dischargers' collection systems are part of the facilities that are subject to this Order. As such, the Dischargers must properly operate and maintain their collection systems (Attachment D, Standard Provisions - Permit Compliance, subsection I.D). The Dischargers must report any noncompliance (Attachment D, Standard Provision - Reporting, subsections V.E.1 and V.E.2), and mitigate any discharge from the Discharger's collection systems in violation of this Order (Attachment D, Standard Provisions - Permit Compliance, subsection I.C). The General Waste Discharge Requirements for Collection System Agencies (Order No. 2006-0003 DWQ) has requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. While the Dischargers must comply with both the General Waste Discharge Requirements for Collection System Agencies (General Collection System WDR) and this Order, the General Collection System WDR more clearly and specifically stipulates requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows. Implementation of the General Collection System WDR requirements for proper operation and maintenance and mitigation of spills will satisfy the corresponding federal NPDES requirements specified in this Order. Following reporting requirements in the General Collection System WDR will satisfy NPDES reporting requirements for sewage spills. Furthermore, the Dischargers shall comply with the schedule for development of sewer system management plans (SSMPs) as indicated in the letter issued by the Regional Water Board on July 7, 2005, pursuant to Water Code Section 13267.

6. Corrective Measures to Minimize Blending

The City of Richmond and RMSD shall comply with the following tasks and deadlines to minimize blending events.

Task	Compliance Date
1. <i>Wet Weather Improvements.</i> Submit a technical report that evaluates alternatives for potential wet weather conveyance and treatment plant improvements. The alternatives proposed shall, at a minimum, include the measures described in the City of Richmond's No Feasible Alternatives Analysis (NFAA) Report dated September 27, 2007. The City of Richmond shall commit no less than \$20 million over the term of this Permit to reducing or eliminating blending events, consistent with what was committed in the NFAA Report. Comparisons of various alternatives should be based on costs, effectiveness, and implementability. The report should propose preferred alternative(s) based on the results of the analysis.	April 1, 2009
2. <i>Workplan.</i> Prepare a workplan to implement the measures proposed in the Wet Weather Improvements report described in Task 1.	July 1, 2009
3. <i>Implementation.</i> Implement the measures identified in the workplan submitted in Task 2.	In accordance with the Workplan described in Task 2 above
4. <i>Annual Status Report.</i> Provide annual updates on its progress in completing measures specified in the workplan.	Annually with the Annual Self-Monitoring Report
5. <i>Completion Report.</i> Submit a technical report documenting the completion of all measures identified in the workplan submitted in Task 2.	April 1, 2015

7. 4,4-DDD, Heptachlor and Dioxin-TEQ Compliance Schedules

The Dischargers shall comply with the following tasks and deadlines:

Task	Deadline
a. Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for 4,4-DDD, heptachlor, and dioxin-TEQ are accurately determined and reported. Submit a report by the deadline describing the results of the investigation and any changes in quality assurance and quality control practices implemented.	June 1, 2008
b. If discharge data from the previous two years continue to show discharge is out of compliance (as defined in Section 2.4.5 of the State	November 1, 2008

<p>Implementation Policy) with the permit effluent limits, submit a plan to identify all 4,4-DDD, heptachlor, and dioxin-TEQ sources to the discharge, and complete tasks c, d, and e.</p> <p>If either the WCWD plant or the Richmond plant can demonstrate that their individual waste streams do not violate or threaten to violate final effluent limits specified in effluent limitations and discharge specifications of the Permit, then that facility shall just monitor and submit annual reports.</p>	
<p>c. Implement the plan developed in action “b” within 30 days of the deadline for action “b,” and submit by the deadline for this action a report that contains an inventory of the pollutant sources.</p>	<p>March 1, 2009</p>
<p>d. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements:</p> <ul style="list-style-type: none"> i. Maintain a list of sources of pollutants of concern. ii. Investigate each source to assess the need to include it in the program. iii. Identify and implement targeted actions to reduce or eliminate iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system. 	<p>May 1, 2009</p>
<p>e. Continue to implement the program described in action “d” and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.</p>	<p>Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3</p>
<p>f. Comply with the following final limits: <i>4,4-DDD</i>: 0.0017 µg/L MDEL and 0.00084 µg/L AMEL <i>heptachlor</i>: 0.0041 µg/L MDEL and 0.0020 µg/L AMEL</p>	<p>May 18, 2010</p>
<p>g. Implement the plan required in action “e” within 45 days of the deadline for action “e,” and submit annual status reports.</p>	<p>Annually each February 1 in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring and Reporting Program</p>
<p>i. Submit documentation confirming complete plan implementation and comply with effluent limits for dioxin-TEQ in the Permit.</p>	<p>November 30, 2011</p>

8. Action Plan for Cyanide

If and when the cyanide alternate limits in Section IV become effective, the Dischargers shall implement an action plan for cyanide in accordance with the measures identified in Appendix I of *Staff Report on Proposed Site-Specific Water Quality Objectives for Cyanide for San Francisco Bay, December 4, 2006*. This condition may be partially satisfied by participation in a collaborative discharger-funded effort, sponsored by BACWA or similar organization.

9. Action Plan for Copper

If and when the copper alternate limits in Section IV become effective, the Dischargers shall initiate implementation of an action plan for copper in accordance with the Basin Plan Copper SSO Amendment. This condition may be partially satisfied by participation in a collaborative discharger-funded effort, sponsored by BACWA or similar organization.

VII. COMPLIANCE DETERMINATION

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

A. General.

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Dischargers shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

B. Multiple Sample Data.

When determining compliance with an AMEL, AWEL, or MDEL for priority pollutants and more than one sample result is available, the Dischargers shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Dischargers shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

ATTACHMENT A - DEFINITIONS

Arithmetic Mean (m), also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

$$\text{Arithmetic mean} = \mu = \Sigma x / n \quad \text{where: } \Sigma x \text{ is the sum of the measured ambient water concentrations, and } n \text{ is the number of samples.}$$

Average Monthly Effluent Limitation (AMEL): the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL): the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Bioaccumulative pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (CV) is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Effluent Concentration Allowance (ECA) is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

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

Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL) means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the n/2 and n/2+1).

Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

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

Ocean Waters are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Dischargers for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based

on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Satellite Collection System is the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Source of Drinking Water is any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

Standard Deviation (σ) is a measure of variability that is calculated as follows:

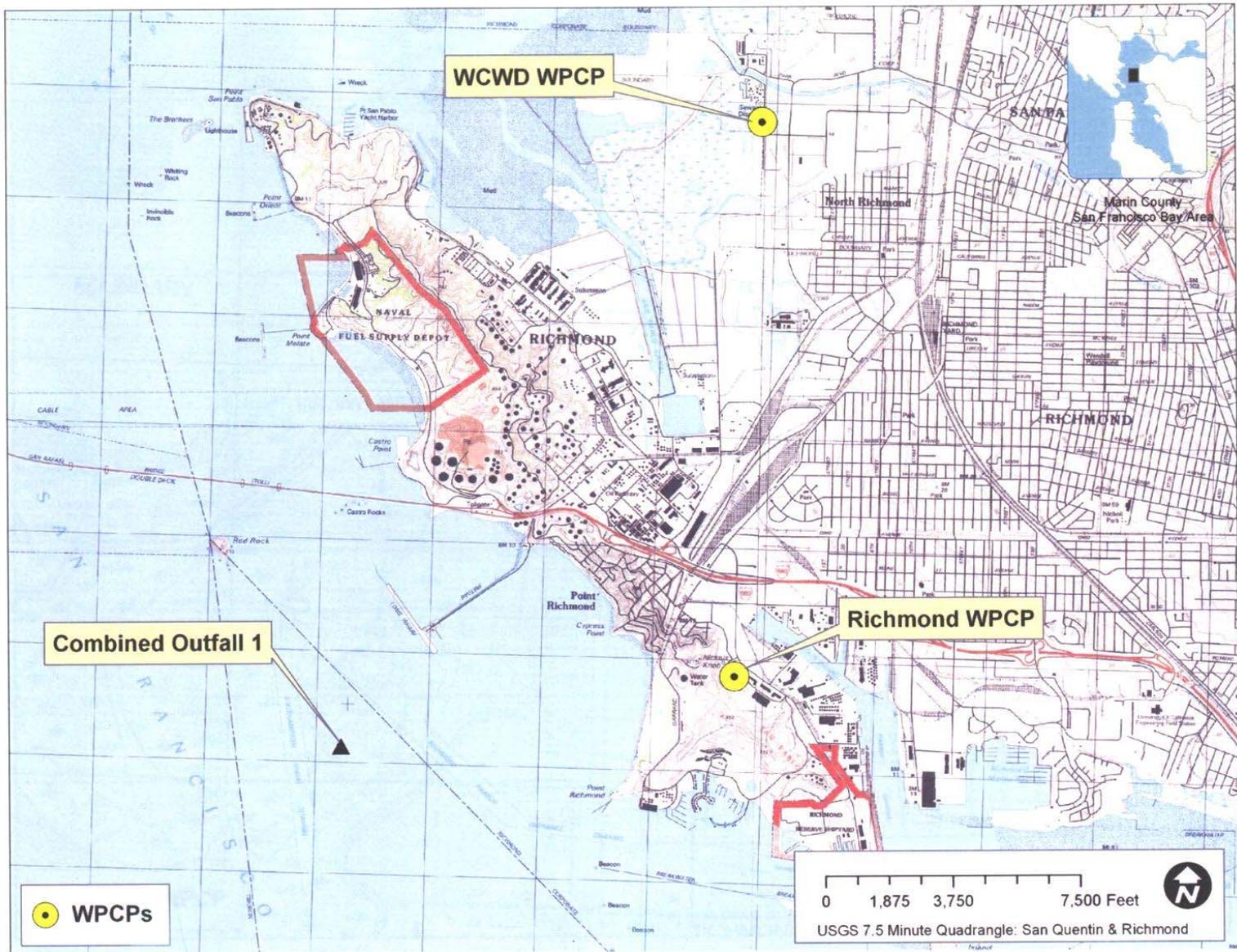
$$\sigma = \sqrt{\frac{\sum(\bar{x} - \mu)^2}{n - 1}}$$

where:

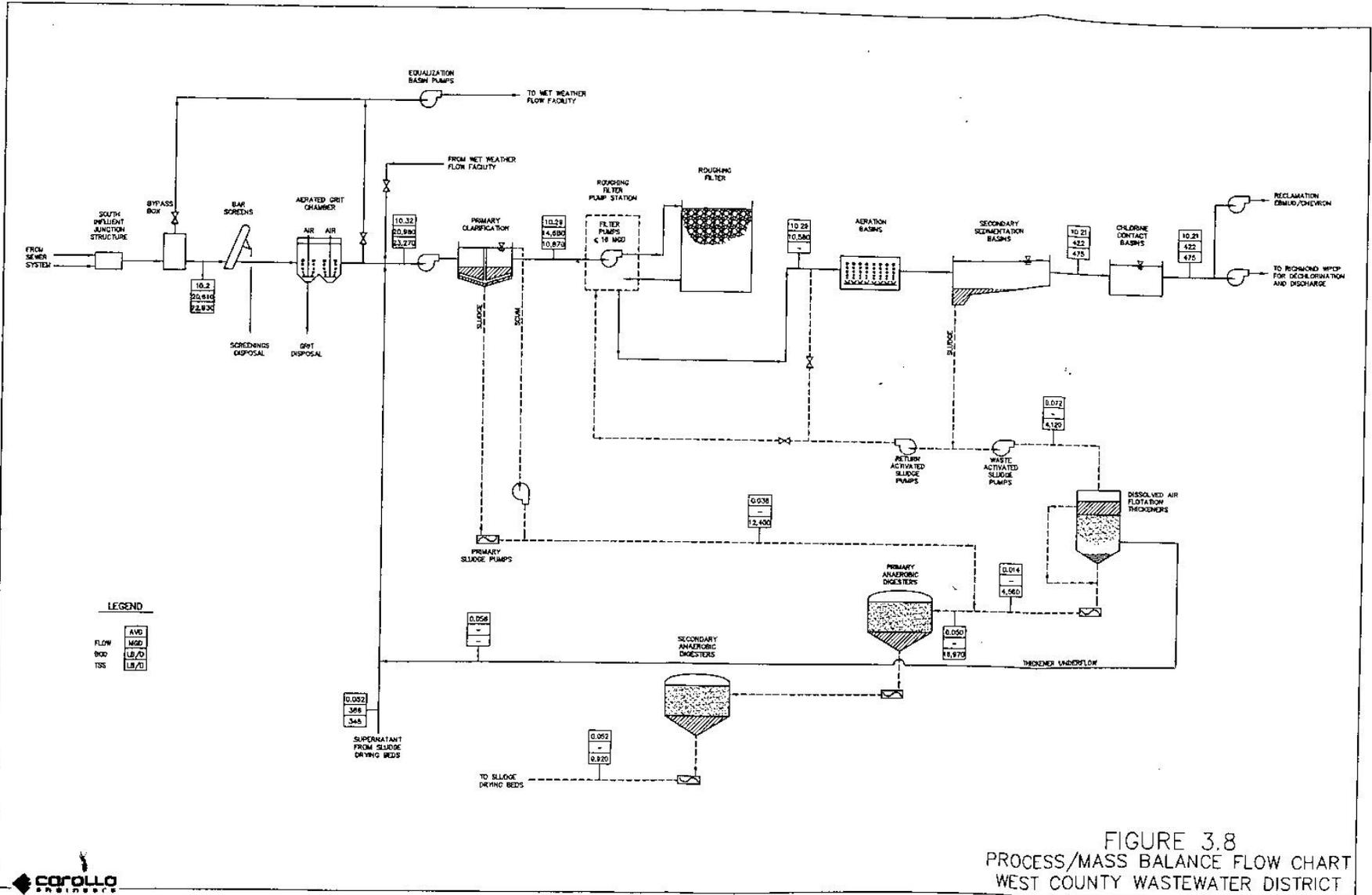
- x is the observed value;
- μ is the arithmetic mean of the observed values; and
- n is the number of samples.

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

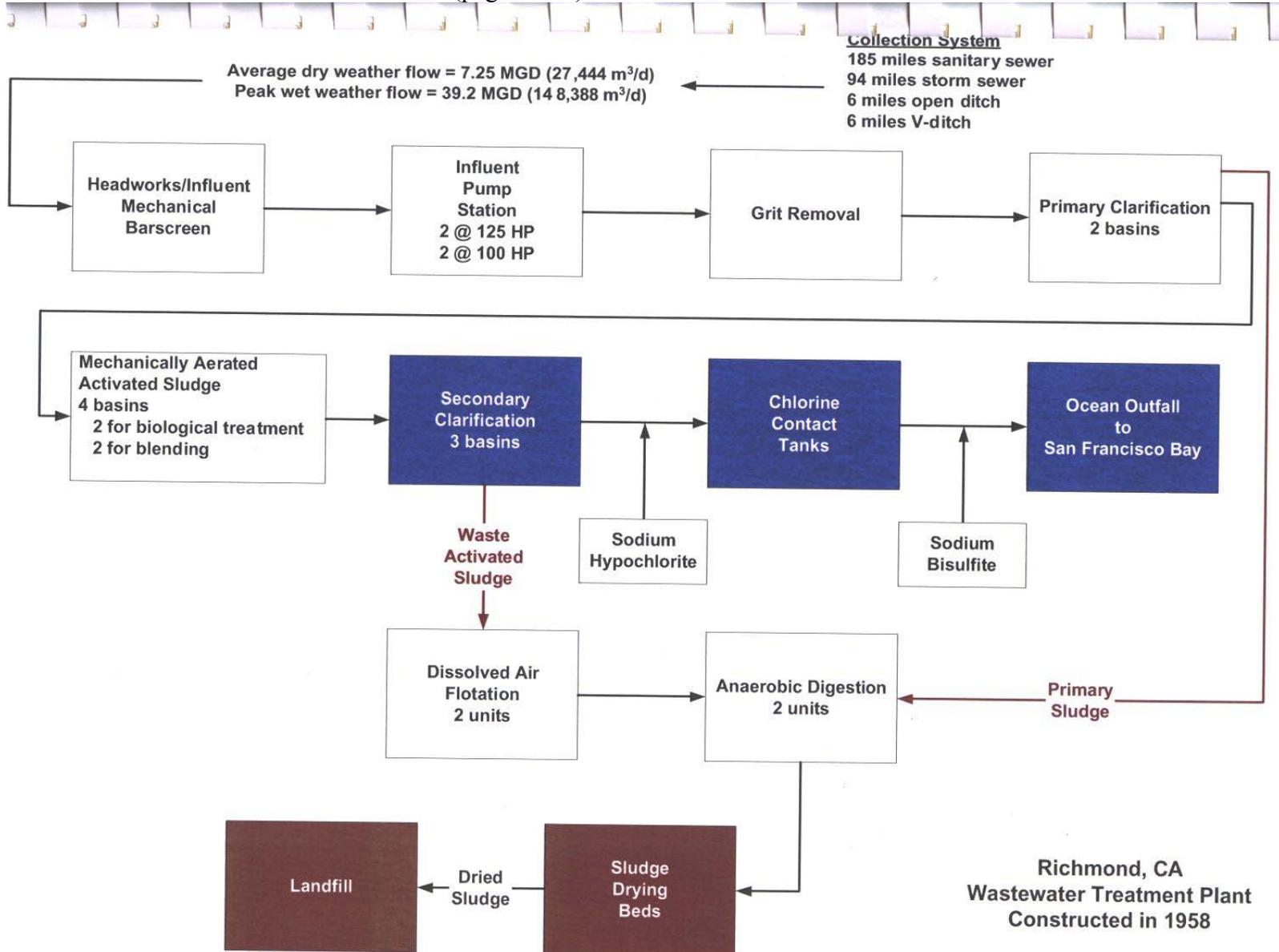
ATTACHMENT B - LOCATION MAP



ATTACHMENT C (page 1 of 2) – WEST COUNTY AGENCY WWTP FLOW SCHEMATIC



ATTACHMENT C (page 2 of 2) – RICHMOND PLANT FLOW DIAGRAM



ATTACHMENT D - FEDERAL STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Dischargers must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].
2. The Dischargers shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

B. Need to Halt or Reduce Activity Not a Defense

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 [*40 CFR §122.41(c)*].

C. Duty to Mitigate

The Dischargers shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [*40 CFR §122.41(d)*].

D. Proper Operation and Maintenance

The Dischargers 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 Dischargers to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order [*40 CFR §122.41(e)*].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [*40 CFR §122.5(c)*].

F. Inspection and Entry

The Dischargers shall allow the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control Board (State Water Board), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [40 CFR §122.41(i)] [CWC 13383(c)]:

1. Enter upon the Dischargers' premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [40 CFR §122.41(i)(1)];
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [40 CFR §122.41(i)(2)];
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [40 CFR §122.41(i)(3)];
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §122.41(i)(4)].

G. Bypass

1. Definitions
 - a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR §122.41(m)(1)(i)].
 - b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [40 CFR §122.41(m)(1)(ii)].
2. Bypass not exceeding limitations – The Dischargers may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [40 CFR §122.41(m)(2)].
3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Dischargers for bypass, unless [40 CFR §122.41(m)(4)(i)]:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(A)];
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary

treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [40 CFR §122.41(m)(4)(B)]; and

- c. The Discharger(s) submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [40 CFR §122.41(m)(4)(C)].
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR §122.41(m)(4)(ii)].
5. Notice
 - a. Anticipated bypass. If the Discharger(s) knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR §122.41(m)(3)(i)].
 - b. Unanticipated bypass. The Discharger(s) shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [40 CFR §122.41(m)(3)(ii)].

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Discharger(s). 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)(1)].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph H.2 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)(2)].
2. 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 [40 CFR §122.41(n)(3)]:
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];
 - b. The permitted facility was, at the time, being properly operated [40 CFR

§122.41(n)(3)(i)];

- c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [40 CFR §122.41(n)(3)(iii)]; and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR §122.41(n)(3)(iv)].
3. Burden of proof. In any enforcement proceeding, the Discharger(s) seeking to establish the occurrence of an upset has the burden of proof [40 CFR §122.41(n)(4)].

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Dischargers for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [40 CFR §122.41(f)].

B. Duty to Reapply

If the Dischargers wish to continue an activity regulated by this Order after the expiration date of this Order, the Dischargers must apply for and obtain a new permit [40 CFR §122.41(b)].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Dischargers and incorporate such other requirements as may be necessary under the CWA and the CWC [40 CFR §122.41(l)(3)] [40 CFR §122.61].

III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].
- B. Monitoring results must be conducted according to test procedures 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 this Order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this Order related to the Dischargers' 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 Dischargers shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period

of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [40 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];
2. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)];
3. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];
4. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];
5. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and
6. The results of such analyses [40 CFR §122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

1. The name and address of any permit applicant or Dischargers [40 CFR §122.7(b)(1)]; and
2. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Dischargers shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, 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. Upon request, the Dischargers shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order [40 CFR §122.41(h)] [CWC 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [40 CFR §122.41(k)]
2. All permit applications shall be signed as follows:
 - a. 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [40 CFR §122.22(a)(1)];
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)]; or
 - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [40 CFR §122.22(a)(3)].
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in paragraph (b) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in paragraph (2.) of this provision [40 CFR §122.22(b)(1)];
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [40 CFR §122.22(b)(2)]; and
 - c. The written authorization is submitted to the Regional Water Board, State Water Board, or USEPA [40 CFR §122.22(b)(3)].
 4. If an authorization under paragraph (3.) of this provision 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 (3.) of this provision must be submitted to the Regional Water Board, State Water Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].
 5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations” [40 CFR §122.22(d)].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [40 CFR §122.41(l)(4)].
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41(l)(4)(i)].
3. If the Dischargers monitor any pollutant more frequently than required by this Order 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 this Order, 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 Regional Water Board [40 CFR §122.41(l)(4)(ii)].
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [40 CFR §122.41(l)(4)(iii)].

D. Compliance Schedules

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

E. Twenty-Four Hour Reporting

1. The Dischargers shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger 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)(i)].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(A)].
 - b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(B)].
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41(l)(6)(ii)(C)].
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 CFR §122.41(l)(6)(iii)].

F. Planned Changes

The Dischargers shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 CFR §122.41(l)(1)]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [40 CFR §122.41(l)(1)(i)]; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [40 CFR §122.41(l)(1)(ii)].
3. The alteration or addition results in a significant change in the Dischargers' 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)(1)(iii)].

G. Anticipated Noncompliance

The Dischargers shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [40 CFR §122.41(l)(2)].

H. Other Noncompliance

The Dischargers shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.1, E.2, and E.3 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [40 *CFR* §122.41(l)(7)].

I. Other Information

When the Dischargers becomes aware that they failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Dischargers shall promptly submit such facts or information [40 *CFR* §122.41(l)(8)].

VI. STANDARD PROVISIONS – ENFORCEMENT

- A.** The CWA 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 CWA provides that any person who negligently violates sections 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 one (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 two (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 three (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 six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 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 Clean Water Act, 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)(2)] [CWC 13385 and 13387].
- B.** Any person may be assessed an administrative penalty by the Regional Water Board 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(a)(3)].

- C. The CWA 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(j)(5)].
- D. 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 Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR §122.41(k)(2)].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [40 CFR §122.42(a)]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:
 - a. 100 micrograms per liter (µg/L) [40 CFR §122.42(a)(1)(i)];
 - b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(1)(iv)].
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(2)]:

- a. 500 micrograms per liter ($\mu\text{g/L}$) [*40 CFR §122.42(a)(2)(i)*];
- b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];
- c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or
- d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [*40 CFR §122.42(b)*]:

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR §122.42(b)(2)*].
3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR §122.42(b)(3)*].

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

NPDES regulations at 40 CFR §122.48 require that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. This Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements that implement the federal and State regulations.

I. GENERAL MONITORING PROVISIONS

- A. The Dischargers shall comply with the MRP for this Order as adopted by the Regional Water Board, and with all of the requirements contained in Self-Monitoring Program, Part A, adopted August 1993 (SMP, Attachment G). If any discrepancies exist between the MRP and SMP, the MRP prevails.
- B. Sampling is required during the entire year when discharging. All analyses shall be conducted using current USEPA methods, or that have been approved by the USEPA Regional Administrator pursuant to 40 CFR 136.4 and 40 CFR 136.5, or equivalent methods that are commercially and reasonably available, and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits and to perform reasonable potential analysis. Equivalent methods must be more sensitive than those specified in 40 CFR 136, must be specified in the permit, and must be approved for use by the Executive Officer, following consultation with the State Water Quality Control Board’s Quality Assurance Program.
- C. Sampling and analysis of additional constituents is required pursuant to Table 1 of the Regional Water Board’s August 6, 2001 Letter titled Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy.
- D. *Minimum Levels.* For compliance and reasonable potential monitoring, analyses shall be conducted using the commercially available and reasonably achievable detection levels that are lower than the WQOs/WQC or the effluent limitations, whichever is lower. The objective is to provide quantification of constituents sufficient to allow evaluation of observed concentrations with respect to the Minimum Levels given below. All Minimum Levels are expressed as µg/L approximately equal to parts per billion (ppb).

Table E-1 lists the test method the Dischargers may use for compliance and reasonable potential monitoring for the pollutants with effluent limits.

Table E-1. Test Methods and Minimum Levels for Pollutants with Reasonable Potential

CTR #	Constituent	Types of Analytical Methods ⁽¹⁾											
		Minimum Levels (µg/L)											
		GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPG FAA	HYD RIDE	CVAF	DCP
6	Copper								0.5	2			
8	Mercury ⁽²⁾											0.0005	
9	Nickel					20	5	20	1	5			
10	Selenium ⁽³⁾						5		2	5	1		
14	Cyanide				5								

CTR #	Constituent	Types of Analytical Methods ⁽¹⁾											
		Minimum Levels (µg/L)											
		GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPG FAA	HYD RIDE	CVAF	DCP
68	Bis(2-ethylhexyl)phthalate		5										
110	4,4-DDD	0.05											
117	Heptachlor	0.01											
	Dioxin-TEQ ⁽⁴⁾	½ USEPA 1613 specified MLs											

(1) Analytical Methods / Laboratory techniques are defined as follows:

- GC = Gas Chromatography;
- GCMS = Gas Chromatography/Mass Spectrometry;
- Color = Colorimetric;
- GFAA = Graphite Furnace Atomic Absorption;
- ICPMS = Inductively Coupled Plasma/Mass Spectrometry;
- SPGFAA = Stabilized Platform Graphite Furnace Atomic Absorption (i.e. USEPA 200.9); and
- CVAF = Cold Vapor Atomic Fluorescence.

- (2) The Dischargers shall use ultra-clean sampling (USEPA Method 1669) and ultra-clean analytical methods (USEPA method 1631) for mercury monitoring, which specifies a ML of 0.5 ng/L or 0.0005 µg/L.
- (3) Hydride or ICPMS (with helium collision cell) are preferable because they are less subject to positive interferences.
- (4) The Dischargers shall achieve MLs for Dioxin-TEQ using ½ the MLs specified in USEPA method 1613.

II. MONITORING LOCATIONS

The Dischargers shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Table E-2. Description of Monitoring Stations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
influent	A-001	At any point in the WCWD plant headworks at which all waste tributary to the treatment system is present, and preceding any phase of treatment.
influent	A-002	At any point in the Richmond plant headworks at which all waste tributary to the treatment system is present, and preceding any phase of treatment.
effluent	E-001-D1	At any point in the WCWD outfall following chlorination, but prior to combining with Richmond plant effluent.
effluent	E-001-D2	At any point in the Richmond outfall following chlorination but prior to combining with WCWD effluent.
effluent	E-001	At any point in the combined outfall
effluent	E-001-DC	At any point in the combined outfall following dechlorination.
sludge	B-001	Sludge monitoring at the WCWD plant.
sludge	B-002	Sludge monitoring at the Richmond plant.

III. INFLUENT MONITORING REQUIREMENTS

- A. The Dischargers shall monitor the influent to the facility at A-001 and at A-002 as specified in Table E-3:

Table E-3. Influent Monitoring Requirements for Conventional Pollutants

Parameter	Units	Sample Type	Minimum Sampling Frequency	Monitoring Location
Flow Rate ⁽¹⁾	MGD	Continuous	Daily	A-001 & A-002
BOD ₅	mg/L	C-24	3/Week	A-001 & A-002
BOD ₅	kg/d	Calculated	3/Week	A-001 & A-002
TSS	mg/L	C-24	3/Week	A-001 & A-002
TSS	kg/d	Calculated	3/Week	A-001 & A-002

Legend: C-24: 24-hour composite

⁽¹⁾ Influent flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports: average, maximum and minimum daily flows

Influent monitoring identified in the table above is the minimum required monitoring. Additional sampling and analyses may be required in accordance with Pretreatment Program or Pollution Prevention/Source Control Program requirements (see Section IX.A below).

IV. EFFLUENT MONITORING REQUIREMENTS

A. Effluent Monitoring Requirements

The Dischargers shall monitor treated wastewater at as specified in Table E-4 below:

Table E-4. Schedule of Sampling, Measurement, and Analysis

Parameter	Units	Sample Type	Minimum Sampling Frequency	Monitoring Location
Flow Rate ⁽¹⁾	MGD	Continuous	1/Day	E-001
pH	pH units	Grab	3/Week	E-001-D1&D2
Temperature	°C	Grab	3/Week	E-001-D1&D2
Dissolved Oxygen	mg/L	Grab	3/Week	E-001-D1&D2
Ammonia Nitrogen ⁽³⁾	mg/L	Grab	1/Month	E-001-DC
BOD (5-day @ 20°C) ⁽²⁾	mg/L	C-24	3/Week	E-001-D1&D2
Total Suspended Solids ⁽²⁾	mg/L	C-24	1/Day	E-001-D1&D2
Oil and Grease ⁽³⁾	mg/L	Grab	2/Month	E-001-D1&D2
Total Coliform ⁽⁴⁾	MPN/100 ml	Grab	3/Week 5/Week	E-001-D1 E-001-D2
Chlorine, Total Residual	mg/L	Continuous	1 / 2 Hours	E-001-DC
Acute Toxicity	% survival	C-24	1/Month	E-001-DC
Chronic Toxicity ⁽⁵⁾	TU _c	C-24	1/Quarter	E-001-DC
Copper	µg/L	C-24	1/Month	E-001-DC
Cyanide ⁽³⁾	µg/L	Grab	1/Month	E-001-DC
Mercury ⁽⁶⁾	µg/L and kg/month	Grab	1/Month	E-001-DC
Nickel	µg/L	C-24	1/Month	E-001-DC
Selenium	µg/L	C-24	1/Month	E-001-DC
Bis(2-ethylhexyl)phthalate	µg/L	Grab	1/Month	E-001-DC
4,4-DDD	µg/L	C-24	2/Year	E-001-DC

Parameter	Units	Sample Type	Minimum Sampling Frequency	Monitoring Location
Heptachlor	µg/L	C-24	2/Year	E-001-DC
Dioxin-TEQ ⁽⁷⁾	µg/L	Grab	2/Year (1/Wet, 1/Dry Season)	E-001-DC
Standard Observations	--	--	1/Month	E-001-D1&D2
Remaining Priority Pollutants	µg/L	Grab ⁽⁸⁾	2/5 Years (1/Wet, 1/Dry Season)	E-001-DC

Legend: C-24: 24-hour composite

- (1) Effluent flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports: average, maximum and minimum daily flows;
- (2) The percent removal for BOD and TSS shall be reported for each calendar month.
- (3) Each sampling event shall consist of a composite sample comprised of three grab samples taken at equal intervals during the sampling date, with each grab sample being collected in an appropriate container and appropriately preserved. For oil and grease, each glass container used for sample collection or mixing shall be thoroughly rinsed with solvent rinsings as soon as possible after use, and the solvent rinsings shall be added to the composite sample for extraction and analysis. Grab samples for ammonia and cyanide may also be composited following appropriate laboratory practices prior to analysis.
- (4) When replicate analyses are made of a coliform sample, the reported result shall be the arithmetic mean of the replicate analysis sample.
- (5) Critical Life Stage Toxicity Test shall be performed and reported in accordance with the Chronic Toxicity Requirements specified in Sections V.B of the MRP. Note that accelerated monitoring required in Section V.B of the MRP is required to occur on a monthly basis.
- (6) Mercury: The Dischargers may, at their option, sample effluent mercury either as grab or as 24-hour composite samples.
- (7) Chlorinated dibenzodioxins and chlorinated dibenzofurans shall be analyzed using the latest version of USEPA Method 1613.
- (8) Per August 6, 2001 Regional Water Board letter.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The Dischargers shall monitor acute and chronic toxicity at E-001-DC as follows:

A. Whole Effluent Acute Toxicity

1. Compliance with the acute toxicity effluent limitations of this Order shall be evaluated by measuring survival of test organisms exposed to 96-hour continuous flow-through bioassays.
2. Test organisms shall be fathead minnow.
3. All bioassays shall be performed according to the most up-to-date protocols in 40 CFR Part 136, currently in “Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms,” 5th Edition.
4. Effluent used for fish bioassays must be dechlorinated prior to testing. Monitoring of the bioassay water shall include, on a daily basis, the following parameters: pH, dissolved oxygen, ammonia (if toxicity is observed), temperature, hardness, and alkalinity. These results shall be reported. If a violation of acute toxicity requirements occurs or if the control fish survival rate is less than 90 percent, the bioassay test shall be restarted with

new batches of fish and shall continue back to back until compliance is demonstrated.

B. Whole Effluent Chronic Toxicity

1. Chronic Toxicity Monitoring Requirements

- a. *Sampling.* The Dischargers shall collect 24-hour composite samples of the effluent in accordance with the frequency specified in the table above, for critical life stage toxicity testing as indicated below. For toxicity tests requiring renewals, 24-hour composite samples collected on consecutive days are required.
- b. *Test Species.* *Haliotis rufescens.*
- c. *Methodology.* Sample collection, handling and preservation shall be in accordance with USEPA protocols. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-1. These are “Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms,” currently third edition (EPA-821-R-02-014), and “Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,” currently fourth Edition (EPA-821-R-02-013), with exceptions granted the Dischargers by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP).
- d. *Dilution Series.* The Dischargers shall conduct tests at 100%, 75%, 50%, 25%, and 12.5%. The “%” represents percent effluent as discharged.

2. Chronic Toxicity Reporting Requirements

- a. *Routine Reporting.* Toxicity test results for the current reporting period shall include, at a minimum, for each test:
 - i. Sample date(s)
 - ii. Test initiation date
 - iii. Test species
 - iv. End point values for each dilution (e.g. number of young, growth rate, percent survival)
 - v. NOEC value(s) in percent effluent
 - vi. IC15, IC25, IC40, and IC50 values (or EC15, EC25 ... etc.) in percent effluent
 - vii. TUC values (100/NOEC, 100/IC25, or 100/EC25)
 - viii. Mean percent mortality (\pm s.d.) after 96 hours in 100% effluent (if applicable)
 - ix. NOEC and LOEC values for reference toxicant test(s)
 - x. IC50 or EC50 value(s) for reference toxicant test(s)
 - xi. Available water quality measurements for each test (pH, D.O., temperature, conductivity, hardness, salinity, ammonia)
- b. *Compliance Summary.* The results of the chronic toxicity testing shall be provided in the next self-monitoring report and shall include a summary table of chronic

toxicity data from at least three of the most recent samples. The information in the table shall include items listed above under 2.a, specifically, item numbers i, iii, v, vi (IC25 or EC25), vii, and viii.

3. Chronic Toxicity Reduction Evaluation (TRE)

- a. *Generic TRE Work Plan.* To be prepared for responding to toxicity events, the Dischargers shall prepare a generic TRE work plan within 90 days of the effective date of this Order. The Dischargers shall review and update their work plans as necessary to remain current and applicable to the discharge and discharge facilities.
- b. *Specific TRE Work Plan.* Within 30 days of exceeding either trigger for accelerated monitoring, the Discharge shall submit to the Regional Water Board a TRE work plan, which should be the generic work plan revised as appropriate for this toxicity event after consideration of available discharge data.
- c. *Initiate TRE.* Within 30 days of the date of completion of the accelerated monitoring tests observed to exceed either trigger, the Dischargers shall initiate a TRE in accordance with a TRE work plan that incorporates any and all comments from the Executive Officer.
- d. The TRE shall be specific to the discharge and be in accordance with current technical guidance and reference materials, including USEPA guidance materials. The TRE shall be conducted as a tiered evaluation process, such as summarized below:
 - i. Tier 1 consists of basic data collection (routine and accelerated monitoring).
 - ii. Tier 2 consists of evaluation of optimization of the treatment process, including operation practices and in-plant process chemicals.
 - iii. Tier 3 consists of a toxicity identification evaluation (TIE).
 - iv. Tier 4 consists of evaluation of options for additional effluent treatment processes.
 - v. Tier 5 consists of evaluation of options for modifications of in-plant treatment processes.
 - vi. Tier 6 consists of implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.
- e. The TRE may be ended at any stage if monitoring finds there is no longer consistent toxicity (complying with Effluent Limitations Section IV.6.a).
- f. The objective of the TIE shall be to identify the substance or combination of substances causing the observed toxicity. All reasonable efforts using currently available TIE methodologies shall be employed.
- g. As toxic substances are identified or characterized, the Dischargers shall continue the TRE by determining the source(s) and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken

to reduce toxicity to levels consistent with chronic toxicity evaluation parameters.

- h. Many recommended TRE elements parallel required or recommended efforts of source control, pollution prevention and storm water control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of complying with requirements or recommended efforts of such programs may be acceptable to comply with TRE requirements.
- i. The Regional Water Board recognizes that chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Dischargers' actions and efforts to identify and control or reduce sources of consistent toxicity.

VI. LAND DISCHARGE MONITORING REQUIREMENTS

(Not applicable)

VII. RECLAMATION MONITORING REQUIREMENTS

(Not applicable)

VIII. RECEIVING WATER MONITORING REQUIREMENTS

A. Regional Monitoring Program (RMP)

The Dischargers shall continue to participate in the Regional Monitoring Program, which involves collection of data on pollutants and toxicity in water, sediment and biota of the Estuary. The Dischargers' participation and support of the RMP is used in consideration of the level of receiving water monitoring required by this Order. With each annual self-monitoring report, the Dischargers shall document how they comply with Receiving Water Limitation V.A. This may include using discharge characteristics (e.g., mass balance with effluent data and closest RMP station), receiving water data, or a combination of both.

IX. OTHER MONITORING REQUIREMENTS

A. Pretreatment Requirements

The Dischargers shall comply with the pretreatment requirements as specified in Table E-6 for influent stations A-001 and A-002, effluent stations E-001-D1 and E-001-D2, and sludge stations B-001 and B-002:

Table E-6. Pretreatment Program Monitoring Requirements

Constituents	Location and Frequency			Required Test Methods
	Influent	Effluent	Biosolids	
VOC [1]	2/Y	2/Y	2/Y	624
BNA [1]	A	A	2/Y	625
Hexavalent Chromium [2]	M	M	2/Y	Standard Methods 3500
Metals [3]	M	M	2/Y	GFAA, ICP, ICP-MS
Mercury [4]	M	M	2/Y	EPA 245, 1631
Cyanide [4]	M	M	2/Y	Standard Methods 4500-CN-C or I

Legend:

- A = once each calendar year
- M = once each month
- Q = once each quarter
- 2/Y = each calendar year (at about 6 month intervals, once in the dry season, once in the wet season)
- VOC = volatile organic compounds
- BNA = base/neutrals and acids extractable organic compounds

Footnotes for Table E-6:

- [1] GC/MS methods used must be able to quantify to an equivalent level as applicable GC methods (EPA 601, 602, 603, 604, 606).
- [2] Total chromium may be substituted for hexavalent chromium at the Dischargers' discretion.
- [3] The parameters are arsenic, cadmium, selenium, copper, lead, mercury, nickel, silver, zinc, and total chromium (if the Dischargers elect to substitute total chromium for hexavalent chromium).
- [4] Influent and effluent monitoring conducted per Tables E-3, E-4, and E-5 can be used to satisfy these pretreatment program sampling requirements and vice versa.

B. Sludge Monitoring (B-001 and B-002)

The Dischargers shall continue to analyze sludge on a semi-annual basis prior to disposal for selected priority pollutant metals and organics. Specific requirements for monitoring shall be commensurate with the disposal location, expected to be a landfill during the permit term.

X. LEGEND FOR MRP TABLES

Types of Samples

- C-24 = composite sample, 24 hours (includes continuous sampling, such as flows)
- C-X = composite sample, X hours
- G = grab sample

<u>Frequency of Sampling</u>		<u>Parameter and Unit Abbreviations</u>	
Cont.	= Continuous	BOD	= Biochemical Oxygen Demand
Cont/D	= Continuous monitoring & daily reporting	D.O.	= Dissolved Oxygen
H	= once each hour (at about hourly intervals)	Est V	= Estimated Volume (gallons)
W	= once each week	Metals	= Multiple metals
2/W	= twice each week	PAHs	= Polycyclic Aromatic Hydrocarbons
4/W	= four times each week	TSS	= Total Suspended Solids
M	= once each month	MGD	= million gallons per day
Q	= once each calendar quarter (at about three month intervals)	mg/L	= milligrams per liter
1/Y	= once each calendar year	mL/L-hr	= milliliters per liter, per hour
2/Y	= twice each calendar year (at about 6 months intervals, once during dry season, once during wet season)	µg/L	= micrograms per liter
		ng/L	= nanograms per liter, 1 ng/L= 10 ⁻³ µg/L
		kg/d	= kilograms per day
		kg/mo	= kilograms per month
		MPN/100 mL	= Most Probable Number per 100 milliliters

XI. Modifications to Part A of Self-Monitoring Program

Section C.2.h of Part A shall be amended as follows:

- h. When any type of bypass occurs, except for bypasses that are consistent with Prohibition III.C of this Order, composite samples shall be collected on a daily basis for constituents at all affected discharge points that have effluent limits for the duration of the bypass.

When bypassing occurs from any treatment process (primary, secondary, chlorination, dechlorination, etc.) in the Facility that is consistent with Prohibition III.B of this Order during high wet weather inflow, the self-monitoring program shall include the following sampling and analysis in addition to the schedule given in this MRP:

When bypassing occurs from any primary or secondary treatment(s), representative samples for each 24-hour increment of the bypass discharge shall be collected for the duration of the bypass event for all pollutants with effluent limits. Continuous monitoring shall be conducted for flow and pH. Monitoring for residual chlorine shall be conducted every two hours, and daily grab samples shall be collected for temperature and total coliform. Monitoring location E-001 shall be used for flow measurements; monitoring location E-001-DC shall be used for toxic substances and chlorine residual; and monitoring location E-001-D2 shall be used for pH, temperature, and total coliform.

Modify Section F.4 as follows:

Self-Monitoring Reports

[Add the following to the beginning of the first paragraph]

For each calendar month, a self-monitoring report (SMR) shall be submitted to the Regional Water Board in accordance with the requirements listed in Self-Monitoring Program, Part A. The purpose of the report is to document treatment performance, effluent quality and compliance with waste discharge requirements prescribed by this Order, as demonstrated by the monitoring program data and the Dischargers' operation practices.

[And add at the end of Section F.4 the following:]

- g. If the Discharger wishes to invalidate any measurement, the letter of transmittal will include identification of the measurement suspected to be invalid and notification of intent to submit, within 60 days, a formal request to invalidate the measurement, the original measurement in question, the reason for invalidating the measurement, all relevant documentation that supports the invalidation (e.g., laboratory sheet, log entry, test results, etc.), and discussion of the corrective actions taken or planned (with a time schedule for completion), to prevent recurrence of the sampling or measurement problem. The invalidation of a measurement requires the approval of Water Board staff and will be based solely on the documentation submitted at that time.

- h. Reporting Data in Electronic Format

The Dischargers have the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. If the Dischargers choose to submit SMRs electronically, the following shall apply:

- 1) Reporting Method: The Dischargers shall submit SMRs electronically via the process approved by the Executive Officer in a letter dated December 17, 1999, Official Implementation of Electronic Reporting System (ERS) and in the Progress Report letter dated December 17, 2000, or in a subsequently approved format that the Permit has been modified to include.
- 2) Monthly or Quarterly Reporting Requirements: For each reporting period (monthly or quarterly as specified in SMP Part B), an electronic SMR shall be submitted to the Regional Water Board in accordance with Section F.4.a-g. above. However, until USEPA approves the electronic signature or other signature technologies, Dischargers that are using the ERS must submit a hard copy of the original transmittal letter, an ERS printout of the data sheet, a violation report, and a receipt of the electronic transmittal.
- 3) Annual Reporting Requirements: Dischargers who have submitted data using the ERS for at least one calendar year are exempt from submitting an annual report

electronically, but a hard copy of the annual report shall be submitted according to Section F.5 below.

XII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

The Dischargers shall comply with all Standard Provisions (Attachments D and G) related to monitoring, reporting, and recordkeeping, except as otherwise specified below.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this Order, the State or Regional Water Board may notify the Dischargers to electronically submit self-monitoring reports. Until such notification is given, the Dischargers shall submit self-monitoring reports in accordance with the requirements described below.
2. The Dischargers shall submit monthly Self-Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order for each calendar month. Monthly SMRs shall be due on the 30th day following the end of each calendar month, covering samples collected during that calendar month; Annual reports shall be due on February 1 following each calendar year.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule as given in Table E-6:

Table E-6. Monitoring Period

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
Continuous	Day after permit effective date	All
1 / day	Day after permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.
1 / week 2 / week 3 / week	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday
1 / month	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1 st day of calendar month through last day of calendar month
1 / quarter	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31
1 / year	Closest of May 1 or November 1 following (or on) permit effective date	Alternate between once during November 1 through April 30 (one year), and once during May 1 through October 31 (following year)
2 / year	Closest of May 1 or November 1 following (or on) permit effective date	One during November 1 through April 30 One during May 1 through October 31
Each Occurrence	Anytime during the discharge event or as soon as possible after aware of the event	At a time which sampling can characterize the discharge event

4. The Dischargers shall report with each sample result the applicable Minimum Level (ML) or Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR §136.

The Dischargers shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical

estimates of data quality may be percent accuracy (+ a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND. In the ERS, the MDL is to be reported and a qualifier of "<" may be reported.
 - d. The Dischargers shall instruct laboratories to establish calibration standards so that the RL value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. The Dischargers shall not use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
5. The Dischargers shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.
 6. The Dischargers shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
 7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address shown below:

Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
ATTN: NPDES Division

8. The Dischargers have the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. The Electronic Reporting System (ERS) format includes, but is not limited to, a transmittal letter, summary of violation details and corrective actions, and transmittal receipt. If there are any discrepancies between the ERS requirements and the "hard copy" requirements listed in the MRP, then the approved ERS requirements supersede.

D. Discharge Monitoring Reports (DMRs)

1. As described in Section X.C.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Dischargers to electronically submit self-monitoring reports. Until such notification is given, the Dischargers shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

If by standard mail:

Division of Water Quality
c/o DMR Processing Center
P.O. Box 100
Sacramento, CA 95812-1000

Or if by FedEx, UPS, or other private carrier:

Division of Water Quality
c/o DMR Processing Center
1001 I Street, 15th Floor
Sacramento, CA 95814

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

Appendix E-1

CHRONIC TOXICITY

DEFINITION OF TERMS AND SCREENING PHASE REQUIREMENTS

I. Definition of Terms

- A. No observed effect level (NOEL) for compliance determination is equal to IC_{25} or EC_{25} . If the IC_{25} or EC_{25} cannot be statistically determined, the NOEL shall be equal to the NOEC derived using hypothesis testing.
- B. Effective concentration (EC) is a point estimate of the toxicant concentration that would cause an adverse effect on a quantal, "all or nothing," response (such as death, immobilization, or serious incapacitation) in a given percent of the test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Kärber. EC_{25} is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.
- C. Inhibition concentration (IC) is a point estimate of the toxicant concentration that would cause a given percent reduction in a nonlethal, nonquantal biological measurement, such as growth. For example, an IC_{25} is the estimated concentration of toxicant that would cause a 25 percent reduction in average young per female or growth. IC values may be calculated using a linear interpolation method such as USEPA's Bootstrap Procedure.
- D. No observed effect concentration (NOEC) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. It is determined using hypothesis testing.

II. Chronic Toxicity Screening Phase Requirements

- A. The Dischargers shall perform screening phase monitoring:
 1. Subsequent to any significant change in the nature of the effluent discharged through changes in sources or treatment, except those changes resulting from reductions in pollutant concentrations attributable to source control efforts, or
 2. Prior to permit reissuance. Screening phase monitoring data shall be included in the NPDES permit application for reissuance. The information shall be as recent as possible, but may be based on screening phase monitoring conducted within 5 years before the permit expiration date.
- B. Design of the screening phase shall, at a minimum, consist of the following elements:
 1. Use of test species specified in Tables 1 and 2 (attached), and use of the protocols referenced in those tables, or as approved by the Executive Officer.
 2. Two stages:

- a. Stage 1 shall consist of a minimum of one battery of tests conducted concurrently. Selection of the type of test species and minimum number of tests shall be based on Table 3 (attached).
 - b. Stage 2 shall consist of a minimum of two test batteries conducted at a monthly frequency using the three most sensitive species based on the Stage 1 test results and as approved by the Executive Officer.
3. Appropriate controls.
 4. Concurrent reference toxicant tests.

Appendix E-2

SUMMARY OF TOXICITY TEST SPECIES REQUIREMENTS

Critical Life Stage Toxicity Tests for Estuarine Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Alga	<i>(Skeletonema costatum)</i> <i>(Thalassiosira pseudonana)</i>	Growth rate	4 days	1
Red alga	<i>(Champia parvula)</i>	Number of cystocarps	7–9 days	3
Giant kelp	<i>(Macrocystis pyrifera)</i>	Percent germination; germ tube length	48 hours	2
Abalone	<i>(Haliotis rufescens)</i>	Abnormal shell development	48 hours	2
Oyster Mussel	<i>(Crassostrea gigas)</i> <i>(Mytilus edulis)</i>	Abnormal shell development; percent survival	48 hours	2
Echinoderms - Urchins Sand dollar	<i>(Strongylocentrotus purpuratus,</i> <i>S. franciscanus)</i> <i>(Dendraster excentricus)</i>	Percent fertilization	1 hour	2
Shrimp	<i>(Mysidopsis bahia)</i>	Percent survival; growth	7 days	3
Shrimp	<i>(Holmesimysis costata)</i>	Percent survival; growth	7 days	2
Topsmelt	<i>(Atherinops affinis)</i>	Percent survival; growth	7 days	2
Silversides	<i>(Menidia beryllina)</i>	Larval growth rate; percent survival	7 days	3

Toxicity Test References:

1. American Society for Testing Materials (ASTM). 1990. Standard Guide for Conducting Static 96-Hour Toxicity Tests with Microalgae. Procedure E 1218-90. ASTM, Philadelphia, PA.
2. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to West Coast Marine and Estuarine Organisms. EPA/600/R-95/136. August 1995.
3. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-90/003. July 1994.

Critical Life Stage Toxicity Tests for Fresh Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Fathead minnow	<i>(Pimephales promelas)</i>	Survival; growth rate	7 days	4
Water flea	<i>(Ceriodaphnia dubia)</i>	Survival; number of young	7 days	4
Alga	<i>(Selenastrum capricornutum)</i>	Cell division rate	4 days	4

Toxicity Test Reference:

4. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, third edition. EPA/600/4-91/002. July 1994.

Toxicity Test Requirements for Stage One Screening Phase

Requirements	Receiving Water Characteristics		
	Discharges to Coast	Discharges to San Francisco Bay ^[2]	
	Ocean	Marine/Estuarine	Freshwater
Taxonomic diversity	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish
Number of tests of each salinity type: Freshwater ^[1]	0	1 or 2	3
Marine/Estuarine	4	3 or 4	0
Total number of tests	4	5	3

[1] The freshwater species may be substituted with marine species if:

- (a) The salinity of the effluent is above 1 part per thousand (ppt) greater than 95 percent of the time, or
- (b) The ionic strength (TDS or conductivity) of the effluent at the test concentration used to determine compliance is documented to be toxic to the test species.

- [2] (a) Marine/Estuarine refers to receiving water salinities greater than 1 ppt at least 95 percent of the time during a normal water year.
- (b) Fresh refers to receiving water with salinities less than 1 ppt at least 95 percent of the time during a normal water year.

ATTACHMENT F – FACT SHEET

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to these Dischargers. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to these Dischargers.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	2 071107001		
Dischargers	1. West County Agency (WCA), including its member agencies 2. West County Wastewater District (WCWD), and 3. City of Richmond 4. Richmond Municipal Sewer District (RMSD)		
Name of Facilities	1. West County Agency Common Outfall 2. WCWD Treatment Plant and Its Collection System, 3. RMSD Water Pollution Control Plant No. 1 and Its Collection Sytem		
Facility Addresses	1.2910 Hilltop Drive	2. 2377 Garden Tract Road	3. 601 Canal Boulevard
	Richmond, CA 94806	Richmond, CA 94801	Richmond, CA 94804
	Contra Costa County	Contra Costa County	Contra Costa County
Discharger Contacts, Titles, Phones	1&2. E.J. Shalaby, WCA Manager, 510-222-6700 3&4. Rich Davidson, City Engineer and contact for RMSD, 510-307-8105		
Authorized Person to Sign and Submit Reports	1&2. E.J. Shalaby 3&4. Rich Davidson		
Mailing Address	1.2910 Hilltop Drive Richmond, CA 94806	2. 2910 Hilltop Drive Richmond, CA 94806	3. 1401 Marina Way S. Richmond, CA 94804
Billing Address	Same as Mailing Addresses		
Type of Facilities	Wastewater Treatment Plants		
Major or Minor Facility	Major		
Threat to Water Quality	1		
Complexity	A		
Pretreatment Program	Yes		
Reclamation Requirements	Not Applicable		
Facility Permitted Flow	2. 12.5 million gallons per day (MGD) 3. 16.0 MGD		
Facility Design Flow	2. 12.5 MGD 3. 16.0 MGD		
Watershed	San Francisco Bay		
Receiving Water	Central San Francisco Bay		
Receiving Water Type	Marine		

- A. West County Agency (WCA) is a Joint Powers Agency whose members are West County Wastewater District (WCWD), the City of Richmond, and Richmond Municipal Sewer District No. 1 (RMSD). WCWD owns and operates the WCWD Treatment Plant (WCWD plant) located at 2377 Garden Tract Road, Richmond, Contra Costa County, California. The City of Richmond and RMSD own and operate RMSD Water Pollution Control Plant No. 1 (Richmond plant) located at 601 Canal Boulevard, Richmond, Contra Costa County. Together, WCA, WCWD, the City of Richmond, and RMSD are hereinafter referred to as Dischargers.
- B. These facilities discharge wastewater to the Central San Francisco Bay, a water of the United States, and they are currently regulated by Order No. 01-144 and NPDES Permit No. CA0038539, which was adopted on November 28, 2001, and expired on November 28, 2006.
- C. The Dischargers filed a report of waste discharge and submitted an application for renewal of their Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on May 3, 2006.

II. FACILITY DESCRIPTION

A. Description of Wastewater Treatment or Controls

1. The Dischargers own and operate two municipal wastewater treatment facilities which provide secondary level treatment for domestic and industrial wastewater from the City of Richmond and surrounding areas.
2. The Dischargers' collection systems include about 436 miles of gravity sewer, 11 miles of force main, and 29 pump stations. WCWD has about 249 miles of gravity sewer and 11 miles of force main with 17 pump stations. RMSD has about 187 miles of sewer line with 12 pump stations. The State Water Board on May 2, 2006, adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ. The Dischargers' collection systems are subject to the requirements of 2006-0003-DWQ.
3. Raw influent entering the Dischargers' plants is treated by primary sedimentation, biological treatment, secondary clarification, chlorination and dechlorination. The wastewater treatment processes at the WCWD plant consist of bar screens, an aerated grit chamber, primary clarifiers, roughing filters, aeration basins, secondary clarifiers, and chlorine contact basins. The wastewater treatment processes at the Richmond plant consist of bar screens, grit removal chambers, primary clarifiers, activated sludge basins, secondary clarifiers, and chlorine contact basins. Treated wastewater from the WCWD plant is transported to the Richmond plant for dechlorination and discharge. The treated wastewater from the Richmond plant is combined with the effluent from the WCWD plant where it is dechlorinated and then discharged through a deep-water outfall into central San Francisco Bay.

B. Discharge Point and Receiving Waters

1. Treated wastewater is currently discharged 4700 feet offshore at a depth of about 26 feet into the Central San Francisco Bay. The effluent receives an initial dilution of at least 10:1 at all times as required by the Basin Plan.

Table F-2. Outfall Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Secondary treated POTW wastewater	37 °, 54', 47" N	122 °, 25', 06" W	Central San Francisco Bay

2. Storm Water Discharges

Regulations applicable to storm water discharges were promulgated by the U.S. EPA on November 19, 1990. The regulations (40 CFR Parts 122 – 124) require specific categories of industrial activity (industrial storm water) 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 storm water discharges. Both the WCWD plant and the Richmond plant route all storm water runoff to the headworks.

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

Effluent limitations contained in the previous permit (Order No. 01-144) for discharges to the Central San Francisco Bay and representative monitoring data from the term of the previous permit for conventional pollutants are as follows.

Table F-3. Historic Conventional Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitations				Data (from January 2003 to December 2006)
		Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Range of Reported Values
Biochemical Oxygen Demand (BOD) ⁽¹⁾	mg/L	30	45	60	--	2-98
Total Suspended Solids ⁽²⁾	mg/L	30	45	60	--	1-3640
Oil and Grease	mg/L	10	--	20	--	1-23
Settleable Matter	ml/L-hr	0.1	--	0.2	--	0.05-1.5
Total Chlorine Residual ⁽³⁾	mg/L	--	--	--	0.0	0-2.25
pH	Units				⁽⁴⁾	6-7.8
Total Coliforms	MPN/100 ml	--	--	--	⁽⁵⁾	2-16,000
Acute Toxicity	% survival	--	--	--	⁽⁶⁾	60-100
Chronic Toxicity	TUc	--	--	--	--	3.3-27.8

- (1) Section B.1.a of Order No. 01-144 requires compliance with BOD or CBOD effluent limitations.
- (2) The arithmetic mean of BOD and TSS values, for effluent samples collected in each calendar month shall not exceed 15 percent of the arithmetic mean for influent samples collected at approximately the same times during the same period.
- (3) Requirement defined as below the limit of detection in standard test methods defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*. The Dischargers may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine, and sodium bisulfate dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff will conclude that these false positive chlorine residual exceedances are not violations of the permit limit.
- (4) The pH of the effluent shall not exceed 9.0 nor be less than 6.0. The Dischargers shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied; 1) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and 2) no individual excursion from the range of pH value shall exceed 60 minutes.
- (5) The moving median value of total coliform bacteria in five (5) consecutive samples shall not exceed 240 MPN/100 ml; and no single sample shall exceed 10,000 MPN/100 ml.
- (6) The survival of bioassay test organisms in 96-hour bioassays of undiluted effluent shall be: 1) an 11-sample median value of not less than 90 percent survival; and 2) an 11-sample 90th percentile value of not less than 70 percent survival.

Effluent limitations contained in the previous permit (Order No. 01-144) for discharges to the Central San Francisco Bay and representative monitoring data from the term of the previous permit for toxic pollutants are as follows.

Table F-4. Historic Toxic Substances Effluent Limitations and Monitoring Data

Parameter	Units	Water Quality-Based Effluent Limits (WQBELs)		Interim Limits		Monitoring Data (From January 2003 to December 2006)
		Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Highest Daily Average
Copper	µg/L				17	15
Mercury	µg/L			0.087		0.032
Nickel	µg/L	34	59			13
Selenium	µg/L				17	9
Zinc	µg/L	490	720			52
Cyanide	µg/L				25	13
Dioxin-TEQ	pg/L			0.14		0.0031
Dieldrin	µg/L	0.00014	0.00028			ND (<0.002)
4,4-DDE	µg/L	0.00059	0.0012			ND (<0.003)

D. Compliance Summary

1. Compliance with Numeric Effluent Limits.

Permit exceedances were observed during the permit term and are summarized in Table F-5 below. In addition to these violations, the Richmond plant does not monitor influent flow at A-002, which is a violation of the monitoring and reporting program. The Regional Water Board staff has prepared a complaint assessing Mandatory Minimum Penalties (MMPs) for the numeric effluent limit violations. The influent flow metering requirement is addressed in a concurrent Cease and Desist Order (CDO). The Regional Water Board plans to consider the MMP complaint and the CDO at the same public hearing for this Order.

Most of these violations were caused by problems at the Richmond plant. According to the City of Richmond's Wet Weather No Feasible Alternatives Analysis, the City of Richmond has spent approximately \$22 million in capitol improvement projects since June 2002. A new mechanical bar screen was installed and the primary clarifiers received a major structural rehabilitation. The biological treatment system received new mechanical aerators, new pumps, valves, and piping. Secondary clarifiers No. 1 and No. 2 received a major rehabilitation in 2005 and 2006. These plant upgrades appear to have solved the problems because effluent violations have decreased since these improvements were implemented.

Table F-5. Compliance Summary

Parameter	Type of Limit	Date of Violation	Permit Limit	Reported Value
BOD	Weekly Average	January 2, 2002	45 max	61
BOD	Weekly Average	January 6, 2002	45 max	58.7
BOD	Weekly Average	January 13, 2002	45 max	87
BOD	Weekly Average	January 27, 2002	45 max	98
BOD	Weekly Average	January 31, 2002	45 max	68.2
BOD	Monthly % Removal	January 31, 2002	85 min	56.1
BOD	Weekly Average	February 2, 2002	45 max	48.8
BOD	Weekly Average	February 24, 2002	45 max	51
BOD	Monthly Average	February 28, 2002	30 max	41.7
BOD	Weekly Average	March 10, 2002	45 max	46.7
BOD	Monthly Average	March 31, 2002	30 max	35.2
BOD	Monthly % Removal	March 31, 2002	85 min	84.3
Copper	Daily Maximum	March 6, 2002	17 max	18.3
BOD	Weekly Average	April 1, 2002	45 max	82
BOD	Weekly Average	April 7, 2002	45 max	99
BOD	Weekly Average	April 21, 2002	45 max	67.3
BOD	Monthly Average	April 30, 2002	30 max	69.9
BOD	Monthly % Removal	April 30, 2002	85 min	75
BOD	Weekly Average	May 5, 2002	45 max	54.3
BOD	Weekly Average	June 9, 2002	45 max	52
BOD	Weekly Average	June 16, 2002	45 max	53.7
Total Coliform	Daily Maximum	June 19, 2002	10000 max	16000
BOD	Weekly Average	July 21, 2002	45 max	57.7
BOD	Weekly Average	August 1, 2002	45 max	70.6
BOD	Weekly Average	August 4, 2002	45 max	74
Chlorine Residual	Instantaneous Maximum	August 6, 2002	0	positive
Chlorine Residual	Instantaneous Maximum	August 7, 2002	0	positive
BOD	Weekly Average	August 11, 2002	45 max	47.7
BOD	Weekly Average	August 28, 2002	45 max	74.7
BOD	Monthly Average	August 30, 2002	30 max	61.8
BOD	Weekly Average	September 1, 2002	45 max	63.3
Chlorine Residual	Instantaneous Maximum	September 12, 2002	0	1.3
Total Coliform	5 Sample Moving Median	May 28, 2003	240 max	280
Total Coliform	5 Sample Moving Median	June 2, 2003	240 max	280
Total Coliform	5 Sample Moving Median	June 3, 2003	240 max	300
Total Coliform	5 Sample Moving Median	June 4, 2003	240 max	300
Total Coliform	5 Sample Moving Median	June 10, 2003	240 max	300
Total Coliform	Daily Maximum	February 25, 2004	10000	16000
Chlorine Residual	Instantaneous Maximum	April 21, 2004	0	2
Chlorine Residual	Instantaneous Maximum	May 26, 2004	0	0.29
TSS	Monthly % Removal	May 31, 2004	85 min	84
TSS	Monthly Average	August 31, 2004	30 max	31.3
BOD	Weekly Average	September 4, 2004	45 max	54

Chronic Toxicity	Daily Maximum	June 6, 2005	10 max	27.8
TSS	Weekly Average	December 3, 2005	45 max	71
TSS	Monthly Average	December 31, 2005	30 max	45.1
Oil and Grease	Daily Maximum	February 27, 2006	20 max	23
Oil and Grease	Monthly Average	February 28, 2006	10 max	14
Settleable Solids	Daily Maximum	March 14, 2006	0.2 max	1.5
Chlorine Residual	Instantaneous Maximum	March 15, 2006	0	2.25
Settleable Solids	Monthly Average	March 31, 2006	0.1 max	0.2
BOD	Weekly Average	July 1, 2006	45 max	54.3
TSS	Weekly Average	July 1, 2006	45 max	47.4
Settleable Solids	Daily Maximum	August 29, 2006	0.2 max	1.2
TSS	Monthly Average	August 31, 2006	30 max	30.8
Settleable Solids	Monthly Average	August 31, 2006	0.1 max	1.2
TSS	Monthly Average	September 30, 2006	30 max	32.3

2. Compliance with Permit Provisions.

A list of special activities required in the provisions for Order No. 01-144, and the status of completion, is shown in Table F-6 below.

Table F-6. Status of Special Activities in Provisions for Order No. 01-144

Provision No.	Description of Activity	Status of Completion
2	Mercury Source Control and Reduction Program – 60 days following a violation of a mass emission limit for mercury, the Dischargers were required to develop a source control and pollution prevention program to identify sources and evaluate options for control and reduction of mercury loadings.	No mercury exceedances reported during the term of the permit.
3	Cyanide Study – Requires the Dischargers to participate in a regional effort to conduct a study for cyanide data collection and development of site-specific objectives.	BACWA completed the study. West County Agency is a member of BACWA.
4	Effluent Characterization for Selected Constituents – Requires the Dischargers to monitor and evaluate certain constituents pursuant to the Regional Water Board's August 6, 2001 letter. An interim report was due on May 18, 2003 and a final report was due 180 days prior to permit expiration.	The Dischargers have complied with this provision.
5	Ambient Background Receiving Water Study – Requires the Dischargers to collect or participate in collecting ambient receiving water data.	BACWA has completed the study on behalf of the Dischargers.
6	Pollutant Minimization Plan (PMP) – Requires the Dischargers to continue to improve their PMPs to reduce pollutant loadings to its treatment plants. Annual reports are required.	The Dischargers have complied with this provision.
14	Wastewater Facilities, Review and Evaluation, and Status Reports – Annually, the Dischargers shall submit a report describing the current status of its wastewater facility review and evaluation. This report shall include a description or summary of review and evaluation procedures, and applicable wastewater facility programs or capital improvement projects.	Annual status reports were submitted.

15	Operations and Maintenance Manual, Review and Status Reports – The Dischargers were required to submit annual reports to the Regional Water Board describing the current status of its operations and maintenance manual review and updating. This report is to include estimated time schedules for completion of any revisions determined necessary, a description of any completed revisions, or a statement that no revisions were needed.	Annual status reports were submitted.
16	Contingency Plan, Review and Status Reports – The Dischargers were required to submit an annual report describing the current status of its Contingency Plan review and update. This report should include a description or copy of any completed revisions, or a statement that no changes are needed.	While not submitted in the annual status reports, the Contingency Plan is available on site.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

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

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans

The Regional Water Board adopted a *Water Quality Control Plan for the San Francisco Bay Basin* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Because of the marine influence on receiving waters of San Francisco Bay, total dissolved solids levels in the Bay commonly (and often significantly) exceed 3000 mg/L and thereby meet an exemption to State Water Board Resolution No. 88-63. Therefore, the MUN designation is not applicable to Central San Francisco Bay. Beneficial uses applicable to Central San Francisco Bay are as follows:

Table F-3. Basin Plan Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Use(s)
E-001-DC	Central San Francisco Bay	Ocean Commercial and Sport Fishing (COMM) Estuarine Habitat (EST) Industrial Service Supply (IND) Fish Migration (MIGR), Navigation (NAV) Industrial Process Water Supply (PROC) Preservation of Rare and Endangered Species (RARE) Water Contact Recreation (REC1) Non-contact Water Recreation (REC2) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD)

Requirements of this Order implement the Basin Plan.

2. Thermal Plan

The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters. Requirements of this Order implement the Thermal Plan.

3. National Toxics Rule (NTR) and California Toxics Rule (CTR)

USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

4. State Implementation Policy

On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order

implement the SIP.

5. Alaska Rule

On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. [40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000)]. Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

6. Antidegradation Policy

Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

7. Anti-Backsliding Requirements

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations² section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

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

On June 6, 2003, the USEPA approved a revised list of impaired water bodies prepared by the State [hereinafter referred to as the 303(d) list], prepared pursuant to provisions of CWA section 303(d) requiring identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Central San Francisco Bay is listed as an impaired waterbody. The pollutants impairing Central San Francisco Bay include chlordane, DDT, diazinon, dieldrin, dioxin compounds, exotic species, furan compounds, mercury, PCBs, dioxin-like PCBs, and selenium. The SIP requires final effluent limitations for all 303(d)-listed pollutants to be based on total maximum daily loads and associated waste load allocations.

1. Total Maximum Daily Loads

The Regional Water Board plans to adopt total maximum daily loads (TMDLs) for

² All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

pollutants on the 303(d) list in Central San Francisco Bay within the next 10 years. Future review of the 303(d)-list for Central San Francisco Bay may result in revision of the schedules or provide schedules for other pollutants.

2. Waste Load Allocations

The TMDLs will establish waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, and will result in achieving the water quality standards for the waterbodies. Final WQBELs for 303(d)-listed pollutants in this discharge will be based on WLAs contained in the respective TMDLs.

3. Implementation Strategy

The Regional Water Board's strategy to collect water quality data and to develop TMDLs is summarized below:

- a. **Data Collection.** The Regional Water Board has given the Dischargers the option to collectively assist in developing and implementing analytical techniques capable of detecting 303(d)-listed pollutants to at least their respective levels of concern or WQOs/WQC. This collective effort may include development of sample concentration techniques for approval by the USEPA. The Regional Water Board will require dischargers to characterize the pollutant loads from their facilities into the water-quality limited waterbodies. The results will be used in the development of TMDLs, and may be used to update or revise the 303(d) list or change the WQOs/WQC for the impaired waterbodies including Central San Francisco Bay.
- b. **Funding Mechanism.** The Regional Water Board has received, and anticipates continuing to receive, resources from Federal and State agencies for TMDL development. To ensure timely development of TMDLs, the Regional Water Board intends to supplement these resources by allocating development costs among dischargers through the RMP or other appropriate funding mechanisms.

E. Other Plans, Policies and Regulations

This Order is also based on the following plans, policies, and regulations:

1. The Federal *Water Pollution Control Act*, Sections 301 through 305, and 307, and amendments thereto, as applicable (CWA);
2. The State Water Board's March 2, 2000 *Policy for the USEPA's May 18, 2000 Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California* or CTR;
3. The USEPA's *Quality Criteria for Water* [EPA 440/5-86-001, 1986] and subsequent amendments (the USEPA Gold Book);

4. Applicable Federal Regulations [40 CFR §§ 122 and 131];
5. 40 CFR §131.36(b) and amendments [Federal Register Volume 60, Number 86, 4 May 1995, pages 22229-22237];
6. USEPA's December 10, 1998 National Recommended Water Quality Criteria compilation [Federal Register Vol. 63, No. 237, pp. 68354-68364];
7. USEPA's December 27, 2002 Revision of National Recommended Water Quality Criteria compilation [Federal Register Vol. 67, No. 249, pp. 79091-79095]; and
8. Guidance provided with State Water Board actions remanding permits to the Regional Water Board for further consideration.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: section 122.44(a) requires that permits include applicable technology-based limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

A. Discharge Prohibitions

- 1. Discharge Prohibition III.A. (no discharge other than that described in this Order):**
This prohibition is the same as in the previous permit. This prohibition is based on California Water Code section 13260, which requires filing a Report of Waste Discharge before discharges can occur. Discharges not described in the ROWD, and subsequently in the Order, are prohibited.
- 2. Discharge Prohibition III.B. (no discharges receiving less than 45:1 and 25:1 dilution):**
This prohibition is similar to the previous permit. It is based on the Basin Plan and the previous permit, which concludes that an initial dilution of 45:1 is required to be protective of shellfish beds, except when Delta outflow is greater than 8000 cubic feet per second. According to the Dischargers' dilution study³, an initial dilution of 45:1 may not be achieved during periods of greater Delta flow because effluent follows the pathway of the deeper water mass which is typically 10 feet or more below the surface. However, near-shore areas close to shellfish beds are typically six feet or less and thus receive some physical separation from the deeper water mass. The deeper water likely flows parallel to the depth contours rather than mixing laterally into the shallow mudflat areas. Because ammonia and cyanide limits are based on an initial dilution of 25:1, it is necessary to require that the Dischargers achieve this dilution at higher Delta flows.

³ Evaluation of the initial dilution (45:1) requirement, San Pablo-Richmond Wastewater Outfall (1977). Jones & Stokes Associates and Brown and Caldwell Engineers.

- 3. Discharge Prohibition III.C. (No bypasses except under the conditions at 40 CFR 122.41(m)(4)(i)(A), (B) and (C)):** This prohibition is based on 40 CFR 122.41(m)(4). This prohibition grants bypass of peak wet weather flows above 24 MGD at the Richmond plant that are recombined with secondary treatment flows and discharged at the combined outfall which met the conditions at 40 CFR 122.41(m)(4)(i)(A)-(C). Bypasses are prohibited at the WCWD plant.

Background

During significant storm events, these high volumes can overwhelm certain parts of the wastewater treatment process and may cause damage or failure of the system. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or on city streets. USEPA recognized that peak wet weather flow diversions around secondary treatment units at POTW treatment plants serving separate sanitary sewer conveyance systems may be necessary in some circumstances.

In December 2005, USEPA invited public comment on its proposed Peak Wet Weather Policy that provides interpretation that 40 CFR 122.41(m) applies to wet weather diversions that are recombined with flow from the secondary treatment, and guidance by which its NPDES permit may be approved by the Regional Water Board. This policy requires that dischargers must still meet all the requirements of NPDES permits, and encourages municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

Criteria of 40 CFR 122.41(m)(4)(i)(A)-(C)

USEPA's Peak Wet Weather policy states that "If the criteria of 40 CFR 122.41(m)(4)(i)(A)-(C) are met, the Regional Water Board can approve peak wet weather diversions that are recombined with flow from the secondary treatment. The criteria of 40 CFR 122.41(m)(4)(i) (Federal Standard Provisions, Attachment D) are (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; and (C) the City of Richmond and RMSD submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5.

On September 27, 2007, the City of Richmond and RMSD submitted a no feasible alternatives analysis showing that at this time, there are no feasible alternatives to blending under certain high flow conditions at the Richmond plant. Blending isn't necessary at the WCWD treatment plant. For the calendar years 2002 through 2006, the Richmond plant blended 62 times for an average of about 12.4 times per year. The average volume of blended wastewater was about 7.1 million gallons per blending event, or about 88 million gallons per year. These blending events occurred as a result of high rates of inflow and infiltration (I/I) in the collection system during heavy rainfall. The City of Richmond and RMSD's analysis concluded that improvements to the treatment plant would have little effect on the need for blending because of the I/I problem. Therefore, the City of

Richmond and RMSD are focusing their efforts on repairing and replacing collection system pipes to reduce wet weather blending events. The City of Richmond is currently in the process of evaluating the condition of its pipes using closed-circuit TV to determine which pipes are in the most need of repair. It has allocated \$20 million to be spent during the next five years to repair the sanitary sewer system.

The City of Richmond and RMSD have satisfied the criteria of 40 CFR 122.41 (m)(4)(i)(A-C). Bypasses are necessary to prevent severe property damage when flows exceed the capacity of the secondary treatment. The City of Richmond and RMSD have analyzed alternatives to bypassing and has determined that no feasible alternative exists at this time. The City of Richmond and RMSD have submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5.

- 4. Discharge Prohibition III.D. (average dry weather flow not to exceed dry weather design capacity):** This prohibition is based on the historic and tested reliable treatment capacity of the treatment plant. Exceedance of this design, average dry weather flow capacity may result in lowering the reliability of achieving compliance with water quality requirements.
- 5. Discharge Prohibition III.E. (No sanitary sewer overflows (SSO) to waters of the United States):** The Discharge Prohibition No. 15 from Table 4-1 of the Basin Plan, and the Clean Water Act prohibits the discharge of wastewater to surface waters except as authorize under an NPDES permit. POTWs must achieve secondary treatment, at a minimum, and any more stringent limitations that are necessary to achieve water quality standards. (33U.S.C. §1311(b)(1)(B) and (C).) Thus, an SSO that results in the discharge of raw sewage, or sewage not meeting secondary treatment, to waters of the United States is prohibited under the Clean Water Act and the Basin Plan.

B. Technology-Based Effluent Limitations

1. Scope and Authority

The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR §133. Permit effluent limitations for conventional pollutants are technology-based. Technology-based effluent limitations are put in place to ensure that full secondary treatment is achieved by the wastewater treatment facility, as required under 40 CFR §133.102. Effluent limitations for these conventional pollutants are defined by the Basin Plan, Table 4-2. Further, these conventional effluent limits are the same as those from the previous permit for the following constituents, except settleable solids which is no longer required per the 2004 Basin Plan amendment:

- Biochemical Oxygen Demand (BOD),
- BOD percent removal,
- Total suspended solids (TSS),

- TSS percent removal,
- pH,
- Oil and grease, and
- Total chlorine residual.

2. Applicable Technology-Based Effluent Limitations

Technology-based effluent limitations are summarized below.

Table F-7. Summary of Technology-based Effluent Limitations

Parameter	Compliance Point	Units	Effluent Limitations				
			Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand (BOD)		mg/L	30	45	--	--	--
Total Suspended Solids (TSS)		mg/L	30	45	--	--	--
Oil and Grease		mg/L	10	--	20	--	--
pH		standard units	--	--	--	6.0	9.0
Total Coliform Bacteria		MPN/100 ml	--	240	--	--	10000
Total Chlorine Residual		mg/L	--	--	--	0.0	0.0

- a. *BOD*. This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2).
- b. *TSS*. This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2).
- c. *pH*. This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2). Pursuant to 40 CFR 401.17, pH effluent limitations under continuous monitoring, the Dischargers shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied: (i) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) No individual excursion from the range of pH values shall exceed 60 minutes.
- d. *Oil and grease*. This effluent limitation is based on the Basin Plan (Chapter 4, Table 4-2).
- e. *Total Chlorine Residual*. This effluent limitation is based on the Basin Plan (Chapter 4, Table 4-2).
- f. *BOD and TSS Percent Removal* The average monthly percent removal of BOD and TSS

shall not be less than 85 percent. Demonstration of compliance for removal rates will be based upon concentrations, instead of loads as was in the previous permit, consistent with 40CFR 133.102.

- g. *Total Coliform Bacteria*. The five-sample median total coliform density shall not exceed 240 MPN/100 mL and the daily maximum value shall not exceed 10,000 MPN/100mL. These limits are based on the Basin Plan (Chapter 4, Table 4-2).

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

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

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The WQC and WQOs applicable to the receiving waters for this discharge are from the Basin Plan; the California Toxics Rule (CTR), established by USEPA at 40 CFR §131.38; and the National Toxics Rule (NTR), established by USEPA at 40 CFR §131.36. Some pollutants have WQC/WQOs established by more than one of these three sources.

- a. *Applicable Beneficial Uses*. Beneficial uses applicable to Central San Francisco Bay are from the Basin Plan and are as follows:

Table F-8. Basin Plan Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Central San Francisco Bay	Ocean Commercial and Sport Fishing (COMM) Estuarine Habitat (EST) Industrial Service Supply (IND) Fish Migration (MIGR) Navigation (NAV) Industrial Process Water Supply (PROC) Preservation of Rare and Endangered Species (RARE) Water Contact Recreation (REC1) Non-contact Water Recreation (REC2) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD)

b. The WQOs/WQC applicable to the receiving water of this discharge are from the Basin Plan, CTR, and NTR.

(1) Basin Plan. The Basin Plan specifies numeric WQOs for 10 priority toxic pollutants, as well as narrative WQOs for toxicity and bioaccumulation in order to protect beneficial uses. The pollutants for which the Basin Plan specifies numeric objectives are arsenic, cadmium, chromium (VI), copper in freshwater, lead, mercury, nickel, silver, zinc, and cyanide. The narrative toxicity objective states in part that “[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.” The bioaccumulation objective states in part that “[c]ontrollable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life. Effects on aquatic organisms, wildlife, and human health will be considered.” Effluent limitations and provisions contained in this Order are designed, based on available information, to implement these objectives.

(2) CTR. The CTR specifies numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants. These criteria apply to all inland surface waters and enclosed bays and estuaries of the San Francisco Bay Region, although Tables 3-3 and 3-4 of the Basin Plan include numeric objectives for certain of these priority toxic pollutants, which supersede criteria of the CTR (except in the South Bay south of the Dumbarton Bridge).

(3) NTR. The NTR establishes numeric aquatic life criteria for selenium, numeric aquatic life and human health criteria for cyanide, and numeric human health criteria for 34 toxic organic pollutants for waters of San Francisco Bay upstream to, and including Suisun Bay and the Delta. These criteria of the NTR are applicable to Central San Francisco Bay, the receiving water for these Dischargers.

- c. Where RP exists, but numeric WQOs/WQC have not been established or updated in the Basin Plan, CTR, or NTR, 40 CFR §122.44(d) and Chapter 4 of the Basin Plan specify that WQBELs may be set based on USEPA criteria, supplemented where necessary by other relevant information, to attain and maintain narrative WQC to fully protect designated beneficial uses. This Fact Sheet discusses the specific bases and rationales for the effluent limitations, and is incorporated as part of the Order.
- d. *Basin Plan Amendment.* On January 21, 2004, the Regional Water Board adopted Resolution No. R2-2004-0003 amending the Basin Plan to (1) update the dissolved WQOs for metals to be identical to the CTR WQC except for cadmium; (2) to change the Basin Plan definitions of marine, estuarine and freshwater to be consistent with the CTR definitions; (3) to update NPDES implementation provisions to be consistent with the SIP; (4) to remove settleable matter effluent limitations for POTWs, and other editorial changes. Subsequent to approval by the State Water Board and the Office of Administrative Law (OAL) (July 22, 2004, and October 4, 2004, respectively), USEPA approved the amendment on January 5, 2005.
- e. *Basin Plan and CTR Receiving Water Salinity Policy.* The Basin Plan and CTR state that the salinity characteristics (i.e., freshwater versus saltwater) of the receiving water shall be considered in determining the applicable WQOs/WQC. Freshwater criteria shall apply to discharges to waters with salinities equal to or less than 1 ppt at least 95 percent of the time. Saltwater criteria shall apply to discharges to waters with salinities equal to or greater than 10 ppt at least 95 percent of the time in a normal water year. For discharges to waters with salinities in between these two categories, or tidally influenced fresh waters that support estuarine beneficial uses, the criteria shall be the lower of the salt- or freshwater criteria (the freshwater criteria for some metals are calculated based on ambient hardness) for each substance.

The receiving water for these Dischargers, Central San Francisco Bay, is a salt water environment based on salinity data generated through the Regional Monitoring Program (RMP) and the Richardson Bay, Point Isabel, and Yerba Buena Island sampling stations for the period February 1993 – August 2001. In that period, the receiving water's minimum salinity was 11 ppt, its maximum salinity was 31 ppt, and its average salinity was 23 ppt. As salinity was greater than 10 ppt in 100 percent of the receiving water samples, the saltwater criteria from the Basin Plan, NTR, and CTR are applicable to this discharge.

- f. *Copper/Nickel Translators.* Because NPDES regulations at 40 CFR §122.45 (c) require effluent limitations for metals to be expressed as total recoverable metal, and applicable water quality criteria for the metals are typically expressed as dissolved metal, factors or translators must be used to convert metals concentrations from dissolved to total recoverable and vice versa. In the CTR, USEPA establishes default translators which are used in NPDES permitting activities; however, site-specific conditions such as water temperature, pH, suspended solids, and organic carbon greatly impact the form of metal (dissolved, filterable, or otherwise) which is present and therefore available in the water to cause toxicity. In general, the dissolved form of the metals is more available and

more toxic to aquatic life than filterable forms. Site-specific translators can be developed to account for site-specific conditions, thereby preventing exceedingly stringent or under protective water quality objectives.

For deep water discharges to Central San Francisco Bay, the Regional Water Board staff are using the following translators for copper and nickel, based on recommendations of the Clean Estuary Partnership’s *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2005). In determining the need for and calculating WQBELs for all other metals, the Regional Water Board staff has used default translators established by the USEPA in the CTR at 40 CFR §131.38 (b) (2), Table 2.

Table F-9. Metal Translators

Cu and Ni Translators for Deepwater Discharges to Central San Francisco Bay	Copper		Nickel	
	AMEL Translator	MDEL Translator	AMEL Translator	MDEL Translator
	0.74	0.88	0.65	0.85

3. Determining the Need for WQBELs

NPDES regulations at 40 CFR §122.44 (d) (1) (i) require permits to include WQBELs for all pollutants (non-priority or priority) “which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any narrative or numeric criteria within a State water quality standard” (have Reasonable Potential). Thus, assessing whether a pollutant has Reasonable Potential is the fundamental step in determining whether or not a WQBEL is required. For non-priority pollutants, Regional Water Board staff used available monitoring data, receiving water’s designated uses, and/or previous permit pollutant limitations to determine Reasonable Potential as described in Sections 3.a. and 3.b. below. For priority pollutants, Regional Water Board staff used the methods prescribed in Section 1.3 of the SIP to determine if the discharge from these Dischargers demonstrate reasonable potential as described below.

a. Reasonable Potential Analysis

Using the methods prescribed in Section 1.3 of the SIP, Regional Water Board staff analyzed the effluent data to determine if the discharge from the WCWD plant or the Richmond plant demonstrates Reasonable Potential. The Reasonable Potential Analysis (RPA) compares the effluent data with numeric and narrative WQOs in the Basin Plan and numeric WQC from the USEPA, the NTR, and the CTR. The Basin Plan objectives and CTR criteria are shown in Appendix A of this Fact Sheet.

b. Reasonable Potential Methodology

Using the methods and procedures prescribed in Section 1.3 of the SIP, Regional Water Board staff analyzed the effluent and background data and the nature of facility

operations to determine if the discharge has reasonable potential to cause or contribute to exceedances of applicable SSOs or WQC. Appendix A of this Fact Sheet shows the stepwise process described in Section 1.3 of the SIP.

The RPA projects a maximum effluent concentration (MEC) for each pollutant based on existing data, while accounting for a limited data set and effluent variability. There are three triggers in determining Reasonable Potential.

- (1) The first trigger is activated if the MEC is greater than the lowest applicable WQO ($MEC \geq WQO$), which has been adjusted, if appropriate, for pH, hardness, and translator data. If the MEC is greater than the adjusted WQO, then that pollutant has reasonable potential, and a WQBEL is required.
- (2) The second trigger is activated if the observed maximum ambient background concentration (B) is greater than the adjusted WQO ($B > WQO$), and the pollutant is detected in any of the effluent samples.
- (3) The third trigger is activated if a review of other information determines that a WQBEL is required to protect beneficial uses, even though both MEC and B are less than the WQO/WQC. A limitation may be required under certain circumstances to protect beneficial uses.

c. Effluent Data

The Regional Water Board's August 6, 2001 letter titled *Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy* (hereinafter referred to as the Regional Water Board's August 6, 2001 Letter) to all permittees, formally required the Dischargers (pursuant to Section 13267 of the CWC) to initiate or continue to monitor for the priority pollutants using analytical methods that provide the best detection limits reasonably feasible. Regional Water Board staff analyzed this effluent data and the nature of the discharge to determine if the discharge has Reasonable Potential. The RPA was based on the effluent monitoring data collected by the Dischargers from January 2004 through December 2006 for most inorganic pollutants, and from February 2002 through September 2006 for most organic pollutants.

d. Ambient Background Data

Ambient background values are used in the RPA and in the calculation of effluent limitations. For the RPA, ambient background concentrations are the observed maximum detected water column concentrations. The SIP states that for calculating WQBELs, ambient background concentrations are either the observed maximum ambient water column concentrations or, for criteria/objectives intended to protect human health from carcinogenic effects, the arithmetic mean of observed ambient water concentrations. The RMP station at Yerba Buena Island, located in the Central Bay, has been monitored for most of the inorganic (CTR constituent numbers 1–15) and some of the organic (CTR constituent numbers 16–126) toxic pollutants, and this data from the

RMP was used as background data in performing the RPA for these Dischargers.

Not all the constituents listed in the CTR have been analyzed by the RMP. These data gaps are addressed by the Regional Water Board's August 6, 2001 Letter. The Regional Water Board's August 6, 2001 Letter formally requires dischargers (pursuant to Section 13267 of the California Water Code) to conduct ambient background monitoring and effluent monitoring for those constituents not currently monitored by the RMP and to provide this technical information to the Regional Water Board.

On May 15, 2003, a group of several San Francisco Bay Region dischargers (known as the Bay Area Clean Water Agencies, or BACWA) submitted a collaborative receiving water study, entitled the *San Francisco Bay Ambient Water Monitoring Interim Report*. This study includes monitoring results from sampling events in 2002 and 2003 for the remaining priority pollutants not monitored by the RMP. The RPA was conducted and the WQBELs were calculated using RMP data from 1993 through 2003 for inorganics and organics at the Yerba Buena Island RMP station, and additional data from the BACWA *Ambient Water Monitoring: Final CTR Sampling Update Report* for the Yerba Buena Island RMP station. The Dischargers may utilize the receiving water study provided by BACWA to fulfill all requirements of the August 6, 2001 letter for receiving water monitoring in this Order.

e. RPA Determination

The MECs, most stringent applicable WQOs/WQC, and background concentrations used in the RPA are presented in the following table, along with the RPA results (yes or no) for each pollutant analyzed. Reasonable potential was not determined for all pollutants, as there are not applicable water quality objectives/criteria for all pollutants, and monitoring data was not available for others. RPA results are shown below. The pollutants that exhibit Reasonable Potential are copper, mercury, selenium, nickel, cyanide, bis(2-ethylhexyl)phthalate, 4,4-DDD, heptachlor, and dioxin-TEQ.

Table F-10. RPA Results for Discharge Point No. 001

CTR #	Priority Pollutants	MEC or Minimum DL ^{[a][b]} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{[a][b]} (µg/L)	RPA Results ^[c]
1	Antimony	0.7	4300	1.8	No
2	Arsenic	11	36	2.46	No
3	Beryllium	Not Available	No Criteria	0.215	Ud
4	Cadmium	0.16	3.4	0.13	No
5a	Chromium (III)	1.8	644	Not Available	No
5b	Chromium (VI)	Not Available	11	4.4	Cannot Determine
6	Copper	15	4.2	2.55	Yes
7	Lead	2.4	8.5	0.80	No
8	Mercury (303d listed)	0.032	0.025	0.0086	Yes
9	Nickel	13	13	3.7	Yes
10	Selenium	9.0	5.0	0.39	Yes
11	Silver	0.15	2.2	0.052	No

CTR #	Priority Pollutants	MEC or Minimum DL ^{[a][b]} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{[a][b]} (µg/L)	RPA Results ^[c]
12	Thallium	Not Available	6.3	0.21	Cannot Determine
13	Zinc	52	86	5.1	No
14	Cyanide	13	1.0	< 0.4	Yes
15	Asbestos	Not Available	No Criteria	Not Available	Ud
16	2,3,7,8-TCDD (303d listed)	< 6.37 E-07	1.4E-08	Not Available	No
16-TEQ	Dioxin TEQ (303d listed)	1.6 E-08	1.4E-08	7.10E-08	Yes
17	Acrolein	< 0.5	780	< 0.5	No
18	Acrylonitrile	< 0.33	0.66	0.03	No
19	Benzene	< 0.03	71	< 0.05	No
20	Bromoform	28	360	< 0.5	No
21	Carbon Tetrachloride	< 0.04	4.4	0.06	No
22	Chlorobenzene	< 0.03	21,000	< 0.5	No
23	Chlorodibromomethane	7.1	34	< 0.05	No
24	Chloroethane	0.07	No Criteria	< 0.5	Ud
25	2-Chloroethylvinyl ether	< 0.1	No Criteria	< 0.5	Ud
26	Chloroform	38	No Criteria	< 0.5	Ud
27	Dichlorobromomethane	23	46	< 0.05	No
28	1,1-Dichloroethane	< 0.04	No Criteria	< 0.05	Ud
29	1,2-Dichloroethane	< 0.04	99	0.04	No
30	1,1-Dichloroethylene	< 0.05	3.2	< 0.5	No
31	1,2-Dichloropropane	< 0.03	39	< 0.05	No
32	1,3-Dichloropropylene	< 0.02	1,700	Not Available	No
33	Ethylbenzene	< 0.04	29,000	< 0.5	No
34	Methyl Bromide	< 0.05	4,000	< 0.5	No
35	Methyl Chloride	0.7	No Criteria	< 0.5	Ud
36	Methylene Chloride	0.7	1,600	0.5	No
37	1,1,2,2-Tetrachloroethane	< 0.04	11	< 0.05	No
38	Tetrachloroethylene	1.6	8.9	< 0.05	No
39	Toluene	0.94	200,000	< 0.3	No
40	1,2-Trans-Dichloroethylene	< 0.05	140,000	< 0.5	No
41	1,1,1-Trichloroethane	< 0.03	No Criteria	< 0.5	Ud
42	1,1,2-Trichloroethane	< 0.03	42	< 0.05	No
43	Trichloroethylene	0.8	81	< 0.5	No
44	Vinyl Chloride	< 0.05	525	< 0.5	No
45	2-Chlorophenol	< 0.2	400	< 1.2	No
46	2,4-Dichlorophenol	< 0.3	790	< 1.3	No
47	2,4-Dimethylphenol	0.29	2,300	< 1.3	No
48	2-Methyl- 4,6-Dinitrophenol	< 0.9	765	< 1.2	No
49	2,4-Dinitrophenol	< 0.6	14,000	< 0.7	No
50	2-Nitrophenol	< 0.1	No Criteria	< 1.3	Ud
51	4-Nitrophenol	< 0.6	No Criteria	< 1.6	Ud
52	3-Methyl 4-Chlorophenol	< 0.2	No Criteria	< 1.1	Ud
53	Pentachlorophenol	< 0.9	7.9	< 1.0	No
54	Phenol	Not Available	4,600,000	< 1.3	Cannot Determine
55	2,4,6-Trichlorophenol	0.33	6.5	< 1.3	No
56	Acenaphthene	< 0.03	2,700	0.0015	No
57	Acenaphthylene	< 0.02	No Criteria	0.00053	Ud
58	Anthracene	< 0.0034	110,000	0.0005	No
59	Benzidine	< 01.0	0.00054	< 0.0015	No
60	Benzo(a)Anthracene	< 0.0058	0.049	0.0053	No

CTR #	Priority Pollutants	MEC or Minimum DL ^{[a][b]} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{[a][b]} (µg/L)	RPA Results ^[c]
61	Benzo(a)Pyrene	< 0.0079	0.049	0.00029	No
62	Benzo(b)Fluoranthene	< 0.0079	0.049	0.0046	No
63	Benzo(ghi)Perylene	< 0.012	No Criteria	0.0027	Ud
64	Benzo(k)Fluoranthene	< 0.02	0.049	0.0015	No
65	Bis(2-Chloroethoxy)Methane	< 0.1	No Criteria	< 0.3	Ud
66	Bis(2-Chloroethyl)Ether	< 0.2	1.4	< 0.3	No
67	Bis(2-Chloroisopropyl)Ether	< 0.6	170,000	Not Available	No
68	Bis(2-Ethylhexyl)Phthalate	7.7	5.9	< 0.5	Yes
69	4-Bromophenyl Phenyl Ether	< 0.1	No Criteria	< 0.23	Ud
70	Butylbenzyl Phthalate	0.2	5,200	< 0.52	No
71	2-Chloronaphthalene	< 0.2	4,300	< 0.3	No
72	4-Chlorophenyl Phenyl Ether	< 0.2	No Criteria	< 0.3	Ud
73	Chrysene	< 0.0036	0.049	0.0024	No
74	Dibenzo(a,h)Anthracene	< 0.0054	0.049	0.00064	No
75	1,2-Dichlorobenzene	0.08	17,000	< 0.8	No
76	1,3-Dichlorobenzene	< 0.03	2,600	< 0.8	No
77	1,4-Dichlorobenzene	1.1	2,600	< 0.8	No
78	3,3 Dichlorobenzidine	< 0.1	0.077	< 0.001	No
79	Diethyl Phthalate	0.38	120,000	< 0.24	No
80	Dimethyl Phthalate	< 0.1	2,900,000	< 0.24	No
81	Di-n-Butyl Phthalate	0.29	12,000	< 0.5	No
82	2,4-Dinitrotoluene	< 0.1	9.1	< 0.27	No
83	2,6-Dinitrotoluene	< 0.2	No Criteria	< 0.29	Ud
84	Di-n-Octyl Phthalate	< 0.1	No Criteria	< 0.38	Ud
85	1,2-Diphenylhydrazine	< 0.6	0.54	0.0037	No
86	Fluoranthene	< 0.009	370	0.011	No
87	Fluorene	< 0.0073	14,000	0.00208	No
88	Hexachlorobenzene	< 0.0015	0.00077	0.0000202	No
89	Hexachlorobutadiene	< 0.4	50	< 0.3	No
90	Hexachlorocyclopentadiene	< 0.4	17,000	< 0.31	No
91	Hexachloroethane	< 0.4	8.9	< 0.2	No
92	Indeno(1,2,3-cd)Pyrene	< 0.0045	0.049	0.004	No
93	Isophorone	< 0.1	600	< 0.3	No
94	Naphthalene	0.1	No Criteria	0.0023	Ud
95	Nitrobenzene	< 0.1	1,900	< 0.25	No
96	N-Nitrosodimethylamine	< 0.2	8.1	< 0.3	No
97	N-Nitrosodi-n-Propylamine	< 0.1	1.4	< 0.001	No
98	N-Nitrosodiphenylamine	< 0.1	16	< 0.001	No
99	Phenanthrene	< 0.0063	No Criteria	0.0061	Ud
100	Pyrene	< 0.0027	11,000	0.0051	No
101	1,2,4-Trichlorobenzene	< 0.3	No Criteria	< 0.3	Ud
102	Aldrin	< 0.0018	0.00014	Not Available	No
103	alpha-BHC	0.002	0.013	0.000496	No
104	beta-BHC	< 0.001	0.046	0.000413	No
105	gamma-BHC	< 0.002	0.063	0.0007034	No
106	delta-BHC	< 0.00064	No Criteria	0.000042	Ud
107	Chlordane (303d listed)	< 0.005	0.00059	0.00018	No
108	4,4'-DDT (303d listed)	< 0.0013	0.00059	0.000066	No
109	4,4'-DDE (linked to DDT)	< 0.00097	0.00059	0.000693	No

CTR #	Priority Pollutants	MEC or Minimum DL ^{[a][b]} (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL ^{[a][b]} (µg/L)	RPA Results ^[c]
110	4,4'-DDD	0.0055	0.00084	0.000313	Yes
111	Dieldrin (303d listed)	< 0.00077	0.00014	0.000264	No
112	alpha-Endosulfan	< 0.00067	0.0087	0.000031	No
113	beta-Endosulfan	< 0.00055	0.0087	0.000069	No
114	Endosulfan Sulfate	< 0.00078	240	0.0000819	No
115	Endrin	< 0.00063	0.0023	0.000036	No
116	Endrin Aldehyde	< 0.00042	0.81	Not Available	No
117	Heptachlor	0.0028	0.00021	0.000019	Yes
118	Heptachlor Epoxide	< 0.0012	0.00011	0.00002458	No
119-125	PCBs sum (303d listed)	< 0.32	0.00017	Not Available	No
126	Toxaphene	< 0.072	0.0002	Not Available	No
	Tributyltin	< 0.00018	0.001	< 0.001	No
	Total PAHs	Not Available	15	0.26	Cannot Determine

- [a] The Maximum Effluent Concentration (MEC) or maximum background concentration is the actual detected concentration unless there is a “<” sign before it, in which case the value shown is the minimum detection level.
- [b] The MEC or maximum background concentration is “Not Available” when there are no monitoring data for the constituent.
- [c] RPA Results = Yes, if MEC > WQO/WQC, or B > WQO/WQC and MEC is detected;
 = No, if MEC and B are < WQO/WQC or all effluent data are undetected;
 = Undetermined (Ud), if no criteria have been promulgated;
 = Cannot Determine, if there are insufficient data.

(1) Constituents with limited data. The Dischargers have performed sampling and analysis for the constituents listed in the CTR. This data set was used to perform the RPA. In some cases, Reasonable Potential cannot be determined because effluent data are limited, or ambient background concentrations are not available. The Dischargers will continue to monitor for these constituents in the effluent using analytical methods that provide the best feasible detection limits. When additional data become available, further RPA will be conducted to determine whether to add numeric effluent limitations to this Order or to continue monitoring.

(2) Pollutants with no Reasonable Potential. WQBELs are not included in this Order for constituents that do not demonstrate Reasonable Potential; however, monitoring for those pollutants is still required. If concentrations of these constituents are found to have increased significantly, the Dischargers will be required to investigate the source(s) of the increase(s). Remedial measures are required if the increases pose a threat to water quality in the receiving water.

The previous permit (Order No. 01-144) included WQBELs for zinc; however, because the RPA showed that discharges no longer demonstrate a reasonable potential to cause or contribute to exceedances of applicable water quality criteria for this pollutant, limitations from the previous permit are not retained.

4. WQBEL Calculations

- a. WQBELs were developed for the toxic and priority pollutants that were determined to have reasonable potential to cause or contribute to exceedances of the WQOs or WQC.

The WQBELs were calculated based on appropriate WQOs/WQC and the appropriate procedures specified in Section 1.4 of the SIP. The WQOs or WQC used for each pollutant with Reasonable Potential is discussed below.

- b. Dilution Credit - The SIP provides the basis for the dilution credit granted. The outfall is designed to achieve an initial dilution of at least 10:1. However, review of RMP data (local and Central Bay stations) indicates there is variability in the receiving water, and the hydrology of the receiving water is very complex. Therefore, there is uncertainty associated with the representative nature of the appropriate ambient background data for effluent limit calculations. Pursuant to Section 1.4.2.1 of the SIP, "dilution credit may be limited or denied on a pollutant-by-pollutant basis...." The Regional Water Board finds that a conservative 10:1 dilution credit for non-bioaccumulative priority pollutants, except for ammonia and cyanide, and a zero dilution credit for bioaccumulative priority pollutants are necessary for protection of beneficial uses. The detailed basis for each are explained below.
- 1) For certain bioaccumulative pollutants, based on BPJ, dilution credit is not included in calculating the final WQBELs. This determination is based on available data on concentrations of these pollutants in aquatic organisms, sediment, and the water column. The Regional Water Board placed selenium, mercury, and polychlorinated biphenyls (PCBs) on the CWA Section 303(d) list. U.S. EPA added dioxin and furan compounds, chlordane, dieldrin, and 4,4'-DDT to the CWA Section 303(d) list. Dilution credit is not included for mercury. The following factors suggest that there is no more assimilative capacity in the Bay for these pollutants.

San Francisco Bay fish tissue data show that these pollutants exceed screening levels. The fish tissue data are contained in *Contaminant Concentrations in Fish from San Francisco Bay 1997* (May 1997). Denial of dilution credits for these pollutants is further justified by fish advisories for San Francisco Bay. The Office of Environmental Health and Hazard Assessment (OEHHA) performed a preliminary review of the data from the 1994 San Francisco Bay pilot study, *Contaminated Levels in Fish Tissue from San Francisco Bay*. The results of the study showed elevated levels of chemical contaminants in the fish tissues. Based on these results, OEHHA issued an interim consumption advisory covering certain fish species from the Bay in December 1994. This interim consumption advice was issued and is still in effect owing to health concerns based on exposure to sport fish from the Bay contaminated with mercury, dioxins, and pesticides (e.g., DDT).

For selenium, the denial of dilution credits is based on Bay waterfowl tissue data presented in the California Department of Fish and Game's Selenium Verification Study (1986-1990). This data shows elevated levels of selenium in the livers of waterfowl that feed on bottom dwelling organisms such as clams. Additionally, in 1987 the OEHHA issued an advisory for the consumption of two species of diving duck in the north bay found to have high levels of selenium. This advisory is still in effect.

- 2) Furthermore, Section 2.1.1 of the SIP states that for bioaccumulative compounds on the 303(d) list, the Regional Water Board should consider whether mass-loading limits should be limited to current levels. The Regional Water Board finds that mass-loading limits are warranted for mercury for the receiving waters for these Dischargers. This is to ensure that these Dischargers do not contribute further to impairment of the narrative objective for bioaccumulation.
- 3). For non-bioaccumulative constituents (except ammonia and cyanide), a conservative allowance of 10:1 dilution for discharges to the Bay has been assigned for protection of beneficial uses. This 10:1 dilution ratio is based on the Basin Plan's Prohibition No. 1 from Table 4, which prohibits discharges like those from Discharge Point 001 with less than 10:1 dilution. As existing outfall structure at Discharge Point 001 is designed to achieve a minimum 10:1 initial dilution. Limiting the dilution credit is based on SIP provisions in Section 1.4.2. The following outlines the basis for derivation of the dilution credit.
 - i. A far-field background station is appropriate because the receiving water body (the Bay) is a very complex estuarine system with highly variable and seasonal upstream freshwater inflows and diurnal tidal saltwater inputs. The SIP allows background to be determined on a discharge-by-discharge or water body-by-water body basis (SIP 1.4.3). Consistent with the SIP, Regional Water Board staff has chosen to use a water body-by-water body basis because of the uncertainties inherent in accurately characterizing ambient background in a complex estuarine system on a discharge-by-discharge basis. The Yerba Buena Island Station fits the guidance for ambient background in the SIP compared to other stations in the RMP. The SIP states that background data are applicable if they are "representative of the ambient receiving water column that will mix with the discharge." Regional Water Board staff believes that data from this station are representative of water that will mix with the discharge. Although this station is located near the Golden Gate, it would represent the typical water flushing in and out of the Bay each tidal cycle. For most of the Bay, the waters represented by this station make up a large part of the receiving water that will mix with the discharge.
 - ii. Because of the complex hydrology of the San Francisco Bay, a mixing zone has not been established. There are uncertainties in accurately determining the mixing zones for each discharge. The models that have been used to predict dilution have not considered the three-dimensional nature of the currents in the estuary resulting from the interaction of tidal flushes and seasonal fresh water outflows. Salt water is heavier than fresh water, colder saltwater from the ocean flushes in twice a day generally under the warmer fresh river waters that flow out annually. When these waters mix and interact, complex circulation patterns occur due to the different densities of these waters. These complex patterns occur throughout the estuary but are most prevalent in the San Pablo, Carquinez Strait, and Suisun Bay areas. The locations change depending on the strength of each tide and the variable rate of delta outflow. Additionally, sediment loads to

the bay from the Central Valley also change on a longer-term basis. These changes can result in changes to the depths of different parts of the Bay making some areas more shallow and/or other areas more deep. These changes affect flow patterns that in turn can affect the initial dilution achieved by a diffuser.

- iii. The SIP allows limiting a mixing zone and dilution credit for persistent pollutants (e.g., copper, silver, nickel, and lead). Discharges to the bay are defined in the SIP as incompletely mixed discharges. Thus, dilution credit should be determined using site-specific information. The SIP 1.4.2.2 specifies that the Regional Water Board “significantly limit a mixing zone and dilution credit as necessary... For example, in determining the extent of a mixing zone or dilution credit, the RWQCB shall consider the presence of pollutants in the discharge that are ...persistent.” The SIP defines persistent pollutants to be “substances for which degradation or decomposition in the environment is nonexistent or very slow.” The pollutants at issue here are persistent pollutants (e.g., copper). The dilution studies that estimate actual dilution do not address the effects of these persistent pollutants in the Bay environment, such as their long-term effects on sediment concentrations.
- iv. In calculating WQBELs for total ammonia and cyanide, an actual initial dilution of 25:1 was used based on the Dischargers' dilution study⁴. This is because ammonia and cyanide are not persistent pollutants. The Basin Plan states: “In most instances, ammonia will be diluted or degraded to a nontoxic state fairly rapidly.” In the case of cyanide, like ammonia, it quickly disperses and degrades. As such, there is unlikely to be cumulative toxicity effects associated with discharges containing elevated concentrations of ammonia and cyanide. Therefore, granting dilution credits based on actual initial dilution is protective of water quality.

c. Interim Limitations and Compliance Schedules

- (1) The SIP and the Basin Plan authorize compliance schedules in a permit if an existing discharger cannot immediately comply with a new and more stringent effluent limitation. Compliance schedules for limitations derived from CTR WQC are based on Section 2.2 of the SIP, and compliance schedules for limitations derived from Basin Plan WQOs and the NTR are based on the Basin Plan. Both the SIP and the Basin Plan require the Dischargers to demonstrate the infeasibility of achieving immediate compliance with the new limitation to qualify for a compliance schedule.

The SIP and Basin Plan require the following documentation to be submitted to the Regional Water Board to support a finding of infeasibility:

- Descriptions of diligent efforts the Dischargers have made to quantify pollutant levels in the discharge, sources of the pollutant in the waste stream, and the results of those efforts;

⁴ Evaluation of the Initial Dilution (45:1) Requirement San Pablo-Richmond Wastewater Outfall (1977). Jones & Stokes Associates and Brown and Caldwell Engineers

- Descriptions of source control and/or pollutant minimization efforts currently under way or completed;
- A proposed schedule for additional or future source control measures, pollutant minimization, or waste treatment; and
- A demonstration that the proposed schedule is as short as practicable.

The Basin Plan provides for a 10-year compliance schedule to implement measures to comply with new standards as of the effective date of those standards. This provision applies to the objectives adopted in the 2004 Basin Plan Amendment. Additionally, the provision authorizes compliance schedules for new interpretations of other existing standards if the new interpretation results in more stringent limitations. Pursuant to State Water Board Order WQ-2007-0004, new interpretations are limited to existing narrative standards, but not numeric standards.

- (2) On June 19, 2007 the Dischargers submitted a feasibility study (the 2007 Feasibility Study), asserting it is infeasible to immediately comply with final WQBELs, for selenium, cyanide, dioxin-TEQ, 4,4-DDD and heptachlor. Based on this analysis and the Regional Water Board's own evaluation of feasibility to comply, the Regional Water Board concurs that it is infeasible to achieve immediate compliance with final limitations for selenium, cyanide, dioxin-TEQ, 4,4-DDD and heptachlor. The basis for the Regional Water Board's conclusion for each parameter is provided in Section IV.C.4.d of this Fact Sheet.

d. WQBEL Calculations for Priority Pollutants

The WQBEL calculations for priority pollutants are summarized below:

Table F-11. Effluent Limitation Calculations for Discharge Point No. E-001-DC

POLLUTANT	Copper		Mercury	Nickel	Selenium	Cyanide		Dioxin-TEQ	Bis(2-ethylhexyl) phthalate	4,4- DDD	Hepta-chlor
	µg/L		µg/L	µg/L	µg/L	µg/L		µg/L	µg/L	µg/L	µg/L
Units	BP & CTR SW Aquatic Life	Alt. limit using SSOs (Dec 04)	BP FW & SW Aquatic Life	BP & CTR SW Aquatic Life	CTR FW & SW Aquatic Life	NTR Criterion for the Bay	Alternate Limits Using Proposed SSOs	Basin Plan HH	CTR HH	CTR HH	CTR HH
CTR Criteria - Acute	5.5	---	2.1	87	20	1.0	9.4	---	---	---	0.053
CTR Criteria - Chronic	4.2	---	0.025	13	5	1.0	2.9	---	---	---	0.0036
SSO Criteria - Acute		3.9									
SSO Criteria - Chronic		2.5									
Water Effects Ratio	2.4	2.4	1	1	1	1	1	1	1	1	1
Lowest WQO (µg/L)	4.19		0.025	13	5.0	1.0	1.0	1.4E-08	5.9	0.00084	0.00021
Site Specific Translator-MDEL	0.88	0.88		0.85							
Site Specific Translator-AMEL	0.74	0.74		0.65							
Dilution Factor (D) (if applicable)	9	9	0	9	0	24	9	0	9	0	9
No. of samples per month	4	4	4	4	4	4	4	4	4	4	4
Aquatic life criteria analysis required? (Y/N)	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y
HH criteria analysis required? (Y/N)	N	N	Y	N	N	N	N	Y	N	Y	N
Applicable Acute WQO	13.09	10.64	2.1	87	20	1	9.4				0.053
Applicable Chronic WQO	10.05	8.11	0.025	13	5.0	1	2.9				0.0036
HH criteria			0.05			220,000	220,000	1.4E-08	54.5	8.4E-04	0.0021
Background (max conc for Aquatic Life calc)	2.55	2.55	0.0086	3.73	0.39	0.4	0.4	7.1E-08	0.5	3.1E-04	1.9E-05
Background (avg conc for HH calc)			0.0022		0.153	0.4	0.4	5.0E-08	0.5	9.4E-05	7.5E-06
Is the pollutant bioaccumulative (Y/N)?	N	N	Y	N	Y	N	N	Y	N	Y	Y

	Copper		Mercury	Nickel	Selenium	Cyanide		Dioxin-TEQ	Bis(2-ethylhexyl) phthalate	4,4-DDD	Hepta-chlor
ECA acute	108	83.4	2.1	837	20.0	15.4	90.4				0.5
ECA chronic	77.6	58.1	0.025	92.6	5.0	15.4	25.4				0.019
ECA HH			0.051			5.5E+06	2.2E+06	1.4E-08	54.5	8.4E-04	0.00203
No. of data points <10 or at least 80% reported non detect?	N	N	N	N	N	N	N	Y	N	Y	Y
Ave of data points	7.22	7.22	0.011	6.9	2.11	4.57	4.57		1.70		
SD	1.90	1.90	0.005	1.7	1.83	2.62	2.62		2.19		
CV calculated	0.26	0.26	0.47	0.25	0.87	0.57	0.57		1.29		
CV (Selected) - Final	0.26	0.26	0.47	0.25	0.87	0.57	0.57	0.60	1.29	0.60	0.60
ECA acute mult99	0.57	0.57	0.394	0.58	0.232	0.33	0.33				0.321
ECA chronic mult99	0.74	0.74	0.602	0.75	0.415	0.54	0.54				0.527
LTA acute	61.1	47.2	0.827	485	4.64	5.14	30.2				0.170
LTA chronic	57.7	43.2	0.015	69.7	2.08	8.33	13.7				0.019
Minimum of LTAs	57.7	43.2	0.015	69.7	2.08	5.14	13.7				0.019
AMEL mult95	1.23	1.23	1.42	1.22	1.82	1.53	1.53	1.55	2.21	1.55	1.55
MDEL mult99	1.77	1.77	2.545	1.73	4.31	3.00	3.00	3.11	6.11	3.11	3.11
AMEL (aq life)	71.0	53.2	0.02	85.0	3.78	7.84	21.0				0.03
MDEL(aq life)	102	76.3	0.04	120	8.94	15.4	41.2				0.06
MDEL/AMEL Multiplier	1.44	1.44	1.79	1.42	2.37	1.96	1.96	2.01	2.76	2.01	2.01
AMEL (human hlth)			0.051			5.5E+06	2.2E+06	1.4E-08	54.5	0.001	0.002
MDEL (human hlth)			0.051					2.8E-08	150	0.002	0.004
Minimum of AMEL for Aq. life vs HH	71	53	0.021	85	3.8	7.8	21	1.4E-08	55	0.00084	0.002
Minimum of MDEL for Aq. Life vs HH	102	76	0.038	120	8.9	15.4	41	2.8E-08	150	0.0017	0.004
Current limit in permit (30-d avg)		0.087 (interim)						1.4E-07 (interim)			
Current limits in permit (daily)	17 (interim)	17 (interim)		59	17 (interim)	25 (interim)	25 (interim)				
Final limit - AMEL	71	53	0.021	34	3.8	7.8	21	1.4E-08	55	0.00084	0.0020
Final limit - MDEL	102	76	0.038	59	8.9	15.4	41	2.8E-08	150	0.0017	0.0041

e. WQBEL Calculations for Total Ammonia

The WQBEL calculations for total ammonia are summarized below:

Table F-12. Effluent Limitation Calculations for Ammonia at Discharge Point E-001-DC

Pollutant	Total Ammonia Acute	Total Ammonia Chronic
Basis and Criteria type	Basin Plan	Basin Plan
Lowest WQO (mg/L)	3.31	1.28
Dilution Factor (D) (if applicable)	24	24
No. of samples per month	4	30
Aquatic life criteria analysis required? (Y/N)	Y	Y
HH criteria analysis required? (Y/N)	N	N
Background (max conc for Aquatic Life calc)	0.17	0.08
Is the pollutant bioaccumulative (Y/N)? (e.g., Hg)	N	N
ECA acute	79	---
ECA chronic	---	30
No. of data points <10 or at least 80% reported non detect?	N	N
Avg of data points	21	21
SD	7.1	7.1
CV calculated	0.34	0.34
CV (Selected) - Final	0.34	0.34
ECA acute mult99	0.49	---
ECA chronic mult99	---	0.96
LTA acute	38	---
LTA chronic	---	29
AMEL mult95	1.3	1.1
MDEL mult99	2.1	2.1
AMEL (aq life)	50	32
MDEL(aq life)	79	59
Current limit in permit (30-d avg)	---	---
Current limits in permit (daily)	---	---
Final limit – AMEL (mg/L)	---	32
Final limit – MDEL (mg/L)	---	59

f. Summary of Numeric Effluent Limitations for Discharge Point No. E-001-DC

The numeric water quality-based effluent limitations are summarized below:

Table F-13. Summary of Numeric WQBELs

Parameters	Units	Final Limitations	
		MDEL	AMEL
Copper	µg/L	100	71
Mercury	µg/L	0.038	0.021
Selenium	µg/L	8.9	3.8
Nickel	µg/L	59	34
Cyanide	µg/L	15	7.8
Bis(2-ethylhexyl)phthalate	µg/L	150	55
4,4-DDD	µg/L	0.0017	0.00084
Heptachlor	µg/L	0.0041	0.0020
Dioxin-TEQ	µg/L	2.8E-08	1.4E-08
Total Ammonia	mg/L	59	32

g. Calculation of Pollutant Specific WQBELs

1. Copper

(a) *Copper WQC.* The salt water, acute and chronic criteria from the Basin Plan and the CTR for copper for protection of aquatic life are 4.2 and 5.5 µg/L, respectively. These criteria were determined using site-specific translators of 0.74 (chronic) and 0.88 (acute), as recommended by the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2005). Site-specific translators were applied to chronic (3.1 µg/L dissolved metal) and acute (4.8 µg/L dissolved metal) criteria of the Basin Plan and the CTR for protection of salt water aquatic life to calculate the criteria of 4.2 µg/L for acute protection and 5.5 µg/L for chronic protection, which were used to perform the RPA and to calculate effluent limitations.

(b) *RPA Results.* This Order establishes effluent limitations for copper, as the maximum observed effluent concentration of 15 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Copper WQBELs.* WQBELs are calculated based on water quality criteria of the CTR. The criteria are expressed as total recoverable metal, using site-specific translators recommended by the Clean Estuary Partnerships' *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2004), and a water effects ratio (WER) of 2.4, as recommended by the Partnership. The following table compares effluent limitations for copper from the expiring Order (Order No. 01-144) with limitations calculated according to SIP procedures, using the two sets of criteria, described above. The newly calculated limitations take into account the deep water nature of the discharge, and therefore, in accordance with the Basin

Plan, are based on an initial dilution of 10:1.

Final Effluent Limitations for Copper		
	AMEL	MDEL
Order No. 01-144	---	17 µg/L (interim)
Based on CTR Criteria	71 µg/L	100 µg/L
Based on Site-Specific Objectives	53 µg/L	76 µg/L

Because the MDEL in the previous Order was an interim limitation, it is not being retained by this Order. The newly calculated limitations, based on CTR criteria are being established as final effluent limitations for copper.

- (d) *Immediate Compliance Feasible.* Statistical analysis of effluent data for copper, collected over the period of January 2004 through December 2006, shows that the 95th percentile (10 µg/L) is less than the AMEL (71 µg/L); the 99th percentile (12 µg/L) is less than the MDEL (102 µg/L); and the mean (7.2 µg/L) is less than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (58 µg/L). The Regional Water Board concludes, therefore, that immediate compliance with final effluent limitations for copper is feasible, and final effluent limitations will become effective upon adoption of the Order.
- (e) *Alternate Limitations for Copper.* As described in the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Site-Specific Objective Determination* (December 2004), the Regional Water Board is proposing to develop site-specific criteria for copper in non-ocean, marine waters of the Region. Proposed site-specific objectives for copper are 2.5 and 3.9 µg/L as four-day and one-hour average criteria, respectively. If these site-specific objectives for copper are adopted, final effluent limitations, calculated according to Section 1.4 of the SIP, using a WER of 2.4, would be 53 µg/L (AMEL) and 76 µg/L (MDEL). If these site-specific objectives for copper are adopted, the alternate effluent limits will become effective upon the effective date of the SSO, so long as the site-specific objectives and their current justification remain unchanged.

2. Mercury

- (a) *Mercury WQC.* The most stringent applicable water quality criteria for mercury are established by the Basin Plan for protection of fresh water aquatic life – 2.1 µg/L and 0.025 µg/L, acute and chronic criteria respectively.
- (b) *RPA Results.* This Order establishes effluent limitations for mercury, because the receiving water for this discharge is 303(d) listed for mercury,

and the Regional Water Board's policy in these circumstances is to find Reasonable Potential by Trigger 3 and establish effluent limitations for discharges to Central San Francisco Bay.

- (c) *Mercury WQBELs*. Mercury final WQBELs, calculated according to SIP procedures, are 0.021 µg/L (AMEL) and 0.038 µg/L (MDEL).
- (d) *Immediate Compliance Feasible*. Statistical analysis of effluent data for mercury, collected over the period of January 2004 through December 2006, shows that the 95th percentile (0.019 µg/L) is less than the AMEL (0.021 µg/L); the 99th percentile (0.025 µg/L) is less than the MDEL (0.038 µg/L); and the mean (0.011 µg/L) is less than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (0.015 µg/L). The Regional Board concludes, therefore, that immediate compliance with final effluent limitations for mercury is feasible, and final effluent limitations will become effective upon adoption of the Order.

3. Selenium

- (a) *Selenium WQC*. The salt water, acute and chronic criteria from the NTR for selenium for protection of aquatic life are 20 and 5 µg/L, respectively.
- (b) *RPA Results*. This Order establishes effluent limitations for selenium, as the maximum observed effluent concentration of 9.0 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.
- (c) *Selenium WQBELs*. Final WQBELs for selenium, calculated according to SIP procedures, are 3.8 µg/L (AMEL) and 8.9 µg/L (MDEL).
- (d) *Immediate Compliance Infeasible*. The Dischargers' Feasibility Study asserts that it cannot immediately comply with final WQBELs for selenium. Statistical analysis of effluent data for selenium, collected over the period of January 2004 through December 2006, show that the 95th percentile is greater than the AMEL (6.4 µg/L > 3.8 µg/L), and therefore, based on this analysis, the Regional Water Board concurs with the Dischargers' assertion of infeasibility to comply with final WQBELs for selenium.
- (e) *Need for Cease and Desist Order*. Pursuant to State Water Board Order WQ2007-0004, compliance schedules are not authorized for numeric objectives or criteria that were in effect prior to the SIP. This includes NTR criteria for selenium. Because it is infeasible for the Dischargers to immediately comply with final WQBELs for selenium, the Dischargers will discharge in violation of this Order. Therefore, a cease and desist order will be adopted concurrent with this Order. The Cease and Desist Order is necessary to ensure that the Dischargers achieve compliance. It establishes

time schedules for the Dischargers to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.

4. Cyanide

- (a) *Cyanide WQC.* The most stringent applicable water quality criteria for cyanide are established by the NTR for protection of salt water aquatic life. The NTR establishes both the saltwater Criterion Maximum Concentration (acute criterion) and the Criterion Chronic Concentration (chronic criterion) at 1.0 µg/L.
- (b) *RPA Results.* This Order establishes effluent limitations for cyanide because the 13 µg/L MEC exceeds the governing WQC of 1 µg/L, demonstrating reasonable potential by Trigger 1, as defined in a previous finding.
- (c) *Cyanide WQBELs.* Final WQBELs for cyanide, calculated according to SIP procedures and using actual dilution (25:1), are 7.8 µg/L (AMEL) and 15 µg/L (MDEL).
- (d) *Immediate Compliance Infeasible.* The Dischargers' Feasibility Study asserts that it cannot immediately comply with final WQBELs for cyanide. Statistical analysis of effluent data for cyanide, collected over the period of January 2004 through December 2006, show that the 95th percentile is greater than the AMEL (8.9 µg/L > 7.8 µg/L), and therefore, based on this analysis, the Regional Water Board concurs with the Dischargers' assertion of infeasibility to comply with final WQBELs for cyanide.
- (e) *Need for Cease and Desist Order.* Pursuant to State Water Board Order WQ2007-0004, compliance schedules are not authorized for numeric objectives or criteria that were in effect prior to the SIP. This includes NTR criteria for cyanide. Because it is infeasible for the Dischargers to immediately comply with final WQBELs for cyanide, the Dischargers will discharge in violation of this Order. Therefore, a cease and desist order will be adopted concurrent with this Order. The Cease and Desist Order is necessary to ensure that the Dischargers achieve compliance. It establishes time schedules for the Dischargers to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.
- (f) *Alternative Limit for Cyanide.* As described in the Draft Staff Report on Proposed Site-Specific Water Quality Objectives and Effluent Limit Policy for Cyanide for San Francisco Bay, dated December 4, 2006, the Regional Water Board is proposing to develop site-specific criteria for cyanide. In this report, the proposed site-specific criteria for marine waters are 2.9 µg/L as a four-day average, and 9.4 µg/L as a one-hour average. Based on these

assumptions, and the Dischargers' current cyanide data (coefficient of variation of 0.90), final water WQBELs for cyanide will be 41 µg/L as an MDEL, and 21 µg/L as an AMEL. These alternative limits will become effective only if the site-specific objectives adopted for cyanide are based on the same assumptions as in the staff report, dated December 4, 2006.

5. Nickel

(a) *Nickel WQC.* The salt water, acute and chronic criteria from the Basin Plan and the CTR for nickel for protection of aquatic life are 87 and 13 µg/L, respectively. These criteria were determined using site-specific translators of 0.65 (chronic) and 0.85 (acute), as recommended by the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2005). Site-specific translators were applied to chronic (8.2 µg/L dissolved metal) and acute (74 µg/L dissolved metal) criteria of the Basin Plan and the CTR for protection of salt water aquatic life to calculate the criteria of 13 µg/L for chronic protection and 87 µg/L for acute protection, which were used to perform the RPA.

(b) *RPA Results.* This Order establishes effluent limitations for nickel because the 13.0 µg/L MEC equals the governing WQC of 13.0 µg/L, demonstrating reasonable potential by Trigger 1, as defined in a previous finding.

(c) *Nickel WQBELs.* WQBELs for nickel are calculated based on water quality criteria of the CTR and are expressed as total recoverable metal, using site-specific translators recommended by the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2004). The following table compares final effluent limitations for nickel from the expiring permit (Order No. 01-144) with limitations calculated according to SIP procedures (using a coefficient of variation of 0.25 based on the mean and standard deviation of the effluent data set). The newly calculated limitations take into account the deep water nature of the discharge and, therefore, in accordance with the Basin Plan, are based on a minimum initial dilution of 10 to 1.

Effluent Limitations for Nickel		
	AMEL	MDEL
Order No. 01-144	34 µg/L	59 µg/L
Newly Calculated Limitations	85 µg/L	120 µg/L

(d) *Feasibility to Comply.* Because limitations of the previous permit were final limitations, and those limitations are more stringent than newly calculated limits for nickel, final effluent limitations for nickel from the expiring permit are retained in this Order. As final limitations from the previous permit are being retained by the Order, an analysis to determine feasibility to comply with final effluent limitations is not appropriate.

(e) *Antibacksliding/Antidegradation*. Antibacksliding and antidegradation requirements are satisfied as final effluent limitations for nickel are retained from the previous permit.

6. Bis(2-ethylhexyl)phthalate

(a) *Bis(2-ethylhexyl)phthalate WQC*. The most stringent applicable water quality criteria for bis(2-ethylhexyl)phthalate is 5.9 µg/L based on the CTR.

(b) *RPA Results*. This Order establishes effluent limitations for bis(2-ethylhexyl)phthalate, as the maximum observed effluent concentration of 7.7 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Bis(2-ethylhexyl)phthalate WQBELs*. Final WQBELs for bis(2-ethylhexyl)phthalate, calculated according to SIP procedures, are 55 µg/L (AMEL) and 150 µg/L (MDEL).

(d) *Immediate Compliance Feasible*. Statistical analysis of effluent data for bis(2-ethylhexyl)phthalate, collected over the period of February 2002 through September 2006, shows that the 95th percentile (4.7 µg/L) is less than the AMEL (55 µg/L) and the 99th percentile (8.4 µg/L) is less than the MDEL (150 µg/L). The Regional Water Board concludes, therefore, that immediate compliance with final effluent limitations for bis(2-ethylhexyl)phthalate is feasible, and final effluent limitations will become effective upon adoption of the Order.

(e) *Antibacksliding/Antidegradation*. Antibacksliding and antidegradation requirements are satisfied, as the previous Order did not establish effluent limitations for bis(2-ethylhexyl)phthalate.

7. 4,4-DDD

(a) *4,4-DDD WQC*. The most stringent applicable water quality criteria for 4,4-DDD is 0.00084 µg/L based on the CTR for protection of human health.

(b) *RPA Results*. This Order establishes effluent limitations for 4,4-DDD, as the maximum observed effluent concentration of 0.0055 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *4,4-DDD WQBELs*. Final WQBELs for 4,4-DDD, calculated according to SIP procedures, are 0.00084 µg/L (AMEL) and 0.0017 µg/L (MDEL).

(d) *Immediate Compliance Infeasible*. The Dischargers' Feasibility Study asserts that it cannot immediately comply with final WQBELs for 4,4-DDD. Since

there is insufficient data to calculate a 95th or 99th percentile concentration, feasibility to comply is determined by comparing the maximum effluent concentration (MEC, 0.0055 µg/L) to the AMEL (0.00084 µg/L) and MDEL (0.0017 µg/L). Based on these comparisons, the Regional Water Board concurs with the Dischargers' assertion of infeasibility to comply with final WQBELs for 4,4-DDD.

- (e) *Interim Effluent Limitation.* Because there is insufficient data to statistically determine a performance based interim limitation, a performance-based maximum daily interim limitation is established at the minimum level of 0.05 µg/L.
- (f) *Term of Interim Effluent Limitation.* The 4,4-DDD interim effluent limitation shall remain effective until May 18, 2010. The previous permit did not grant an interim limit for 4,4-DDD. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify 4,4-DDD at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify for such a §2.1 schedule up to the maximum statutory date (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

8. Heptachlor

- (a) *Heptachlor WQC.* The most stringent applicable water quality criterion for heptachlor is 0.00021 µg/L, established by the CTR for protection of human health, when organisms are consumed from the receiving water.
- (b) *RPA Results.* This Order establishes effluent limitations for heptachlor because the MEC of 0.0028 µg/L exceeds the governing WQC of 0.00021 µg/L, demonstrating reasonable potential by Trigger 1, as defined previously.
- (c) *Heptachlor WQBELs.* Final WQBELs for heptachlor, calculated according to SIP procedures, are 0.0020 µg/L and 0.0041 µg/L, the AMEL and MDEL, respectively.
- (d) *Immediate Compliance Infeasible.* The Dischargers' Feasibility Study asserts that the facility cannot immediately comply with final WQBELs for heptachlor. With insufficient effluent data to determine the distribution of the effluent data set or to calculate a mean and standard deviation, feasibility to comply with final effluent limitations is determined by comparing the MEC (0.0028 µg/L) to the AMEL (0.0020 µg/L) and the MDEL (0.0041 µg/L). Based on this comparison, the Regional Water Board concurs with the Dischargers' assertion of infeasibility to comply with final WQBELs for

heptachlor.

- (e) *Interim Effluent Limitation.* Because the previous permit did not include a final effluent limitation for heptachlor, and there is insufficient data to statistically determine a performance based interim limitation, a performance-based maximum daily interim limitation is established at the minimum level of 0.01 µg/L.
- (f) *Term of Interim Effluent Limitation.* The heptachlor interim effluent limitation shall remain effective until May 18, 2010. The previous permit did not grant an interim limit for heptachlor. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify heptachlor at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify for such a §2.1 schedule up to the maximum statutory date (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

9. Dioxin-TEQ

- (a) *Dioxin-TEQ WQC.* The most stringent applicable water quality criterion for dioxin-TEQ is 1.4×10^{-8} µg/L, which is translated from the narrative bioaccumulation objective established by the Regional Water Board through the Basin Plan. The Basin Plan's narrative bioaccumulation objective is applicable to dioxins and furans, since these constituents accumulate in sediments and bioaccumulate in the fatty tissue of fish and other organisms. The narrative objective is translated into a numeric objective expressed in 2,3,7,8-TCDD equivalents (or dioxin-TEQ) based on the CTR criterion for 2,3,7,8-TCDD and the application of the Toxic Equivalence Factors (TEFs) for dioxin and furans adopted by the World Health Organization in 1998.
- (b) *RPA Results.* Because the receiving water is currently listed on the CWA 303(d) list as impaired due to dioxins and furans, and the maximum observed effluent concentration of dioxin-TEQ is 1.6×10^{-7} µg/L, which exceeds the translated water quality objective of 1.4×10^{-8} µg/L, dioxin-TEQ in the discharge has a reasonable potential to contribute to exceedances of the narrative bioaccumulation objective.
- (c) *WQBELs.* Concentration-based WQBELs for dioxin-TEQ, using SIP procedures and guidance, are 2.8×10^{-8} and 1.4×10^{-8} µg/L as the maximum daily effluent limit (MDEL) and the average monthly effluent limit (AMEL), respectively. Because dioxin-TEQ is a bioaccumulative pollutant, these limitations are calculated without credit for dilution.

(d) *Immediate Compliance Infeasible.* Because effluent concentrations of dioxin-TEQ have been measured at levels greater than newly calculated limitations (calculated based on Section 1.4 of the SIP), the Regional Water Board concurs with the Dischargers' assertion of infeasibility.

10. Total Ammonia

(a) *Ammonia WQC.* The Basin Plan contains WQOs for un-ionized ammonia of 0.025 mg/L as an annual median, and 0.16 mg/L as a maximum north of the Golden Gate Channel. The WQOs are translated from un-ionized ammonia objectives to equivalent total ammonia concentrations since sampling and lab methods are not available to analyze for un-ionized ammonia and because the fraction of total ammonia that is converted to the toxic un-ionized form is dependent on pH, salinity, and temperature of the receiving water.

To translate the Basin Plan's un-ionized ammonia objectives, pH, salinity, and temperature data from March 1993 to August 2001 from the RMP station at Point Isabel were used. The following equation was used to determine the fraction of total ammonia in a discharge that will be converted to the toxic un-ionized phase in receiving waters (U.S. EPA. 1989. *Ambient Water Quality Criteria for Ammonia (Saltwater) -1989.* EPA Publication Number 440/5-88-004).

$$\text{fraction of } \text{NH}_3 = \frac{1}{1 + 10^{(pk-pH)}}$$

where

$$pK = 9.245 + 0.116 * I + 0.0324 * (298 - T) + \frac{0.0415 * (P)}{T + 273}$$

$$I = \text{molal ionic strength of saltwater} = \frac{19.9273 * S}{1000 - 1.005109 * S}$$

S = salinity (parts per thousand)

T = temperature in °C

P = Pressure (one atmosphere)

To convert the Basin Plan's chronic un-ionized ammonia WQO to an equivalent total ammonia concentration, the median un-ionized ammonia fraction at the Richardson Bay monitoring station was used. To convert the Basin Plan's acute un-ionized ammonia WQO to an equivalent total ammonia concentration, the 90th percentile un-ionized ammonia fraction at Richardson Bay was used. Using the median and 90th percentile to translate chronic and acute ammonia WQOs is consistent with U.S. EPA guidance on translating dissolved metal WQOs to total recoverable metal WQOs⁵. The equivalent total ammonia acute and chronic concentrations are 3.31 mg/L and 1.28 mg/L, respectively.

⁵ The Metals Translator: Guidance for Calculating a Total Recoverable Limit for a Dissolved Criterion 1996. EPA Publication No. 823-B-96-007

- (b) *RPA Results.* The SIP methodology was used to perform RPA and to calculate effluent limitations because it is consistent with the methodology used to calculate WQBELs for other toxic pollutants. This Order establishes effluent limitations for total ammonia, as the maximum observed effluent concentration of 52 mg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.
- (c) *WQBELs.* To calculate total ammonia limits some statistical adjustments were made because the Basin Plan's chronic objective is based on an annual median instead of a 4-day average. For chronic criterion, the SIP assumes an averaging period of 4 days and a monthly sampling frequency of 4 days per month to calculate effluent limits. To use the SIP methodology to calculate effluent limits for a Basin Plan objective that is based on an annual median, an averaging period of 365 days and a monitoring frequency of 30 days per month (the maximum daily sampling frequency in a month since the averaging period for the chronic criterion is longer than 30 days) were used. These statistical adjustments are supported by U.S. EPA's *Water Quality Criteria; Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia*; published on December 22, 1999 in the Federal Register.

Following the SIP methodology as guidance, the maximum background total ammonia concentration was used to calculate effluent limits based on the acute criterion. For the chronic criterion, the median background total ammonia concentration was used because the Basin Plan's chronic unionized ammonia objective is an annual median. Since the time-scale of this objective is over such a long period, it is more representative to use the central tendency of ambient conditions than a daily maximum.

The newly calculated limitations take into account the deep water nature of the discharge and the non-persistent nature of ammonia, and therefore, are based on an initial dilution of 25:1 (model results for average daily dry weather conditions, 16.3 MGD). Concentration-based WQBELs for total ammonia are 59 mg/L as a maximum daily effluent limit (MDEL) and 32 mg/L as an average monthly effluent limit (AMEL), respectively.

5. Whole Effluent Acute Toxicity

- a. *Permit Requirements.* This Order includes effluent limits for whole-effluent acute toxicity that are unchanged from the previous Order. All bioassays shall be performed according to the USEPA approved method in 40 CFR 136, currently "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th Edition." The Dischargers are required to use the 5th Edition method for compliance determination upon the effective

date of this Order.

- b. *Compliance History.* The Dischargers' acute toxicity monitoring data show that during 2002-2006, with fish survival rates ranged between 60-100%.
- c. *Ammonia Toxicity.* If acute toxicity is observed in the future and the Dischargers believe that it is due to ammonia toxicity, this has to be shown through a Toxicity Identification Evaluation (TIE) acceptable to the Executive Officer. If the Dischargers demonstrate to the satisfaction of the Executive Officer that exceedance of the acute toxicity limits is caused by ammonia and that the ammonia in the discharge is in accordance with the ammonia discharge limit, then such toxicity does not constitute a violation of this effluent limit. This is based on the Basin Plan, at page 3-4 under "Un-Ionized Ammonia". If ammonia toxicity is verified in the TIE, the Dischargers may utilize an adjustment protocol approved by the Executive Officer for the routine bioassay testing.

6. Whole Effluent Chronic Toxicity

- a. *Permit Requirements.* This permit includes requirements for chronic toxicity monitoring based on the Basin Plan narrative toxicity objective, and in accordance with USEPA and State Water Board Task Force guidance, and BPJ. This permit includes the Basin Plan narrative toxicity objective as the applicable effluent limit, implemented via monitoring with numeric values as "triggers" to initiate accelerated monitoring and to initiate a chronic toxicity reduction evaluation (TRE) as necessary. The permit requirements for chronic toxicity are also consistent with the CTR and SIP requirements.
- b. *Chronic Toxicity Triggers.* This Order includes chronic toxicity triggers, which are three sample median of 10 chronic toxicity (TUC⁶) and a single sample maximum of 20 TUC.
- c. *Monitoring History.* The Dischargers' chronic toxicity monitoring data from 2002 through 2006, TUC values ranged from 3.3 to 27.8.
- d. *Screening Phase Study.* The Dischargers has prepared a chronic toxicity screening phase study plan and the results of this study have been incorporated herein.

7. Mercury and Selenium Mass Emission Limitations

This Order includes mass-based effluent limitations of 0.72 kg/month for mercury and 15.2 kg/month for selenium. These mass-based effluent limitations are intended to maintain the discharge at current loadings. The mass limit will maintain current loadings until a TMDL is established for San Francisco Bay. The final mercury effluent limitations will be based on the Dischargers' WLA in the TMDL.

⁶ A TUC equals 100 divided by the no observable effect level (NOEL). The NOEL is determined from IC, EC, or NOEC values. Monitoring and TRE requirements may be modified by the Executive Officer in response to the degree of toxicity detected in the effluent or in ambient waters related to the discharge. Failure to conduct the required toxicity tests or a TRE within a designated period shall result in the establishment of effluent limits for chronic toxicity.

The inclusion of performance-based mass limits for bioaccumulative pollutants is consistent with the guidance described in section 2.1.1 of the SIP. Because of their bioaccumulative nature, an uncontrolled increase in the total mass load of these pollutants in the receiving water will have significant adverse impacts on the aquatic ecosystem.

D. Final Effluent Limitations

1. Satisfaction of Anti-Backsliding Requirements

All final and interim effluent limitations in this Order are at least as stringent as the respective final and interim effluent limitations in the previous Order.

2. Satisfaction of Antidegradation Policy

40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings.

The permitted discharge is consistent with the antidegradation provision of 40 CFR § 131.12 and State Water Board Resolution 68-16, and the final limitations in this Order are in compliance with antidegradation requirements and meet the requirements of the SIP because these limits hold the Dischargers to performance levels that will not cause or contribute to water impairment or further water quality degradation. This is because this Order does not provide for an increase in the permitted design flow, allow for a reduction in the level of treatment, or increase effluent limitations with the exception of cyanide and copper.

In the case of cyanide, alternate limits based on a site-specific objective will be higher than the current limit if the site-specific objective for cyanide becomes effective during the permit term. However, the standards setting process for cyanide addressed antidegradation, and therefore, an analysis in this permit is unnecessary. As such, there will be no lowering of water quality beyond the current level authorized in the previous permit, which is the baseline by which to measure whether degradation will occur.

For copper, this Order establishes final WQBELs, whereas the previous permit included an interim limit. Although the final WQBELs are above the previous interim limitation, the concentration of copper discharges is unlikely to change because the Dischargers propose no changes to the treatment process. The Dischargers will maintain current treatment performance for copper because they cannot manipulate their processes to adjust effluent copper levels independently of other treatment parameters. To maintain compliance with other effluent limits, the Dischargers will maintain their current performance with respect to copper. Moreover, pollution minimization requirements are

designed to maintain current performance.

Additionally, the Order establishes alternate limits of copper based on site-specific objectives developed since the previous permit. These limits will become effective if the site-specific objective is adopted during the permit term. Like cyanide, the standards setting process for copper addressed antidegradation, and therefore, an analysis in this permit is unnecessary.

The Order continues the status quo with respect to the level of discharge authorized in the previous permit and thus there will be no change in water quality beyond the level that was authorized in the last permit. Findings authorizing degradation are thus not applicable.

3. Stringency of Requirements of Individual Pollutants

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the CWA” pursuant to section 131.21(c)(1). Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

E. Interim Limitations

As authorized in the SIP, this Order grants interim limitations for 4,4-DDD and heptachlor because the Dischargers cannot immediately comply with final effluent limitations as demonstrated by the Dischargers' infeasibility analysis. This is described in more detail in sections IV.C.4.7 and IV.C.4.8 of this Fact Sheet.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Receiving Water Limitations V.A. (Surface Water Limitations)

These limitations are in the existing permit and are based on water quality objectives for physical, chemical, and biological characteristics of receiving waters from Chapter 3 of the Basin Plan.

B. Receiving Water Limitation V.B. (Ground Water Limitations)

N/A

**VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS
(PROVISION B)**

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring

The Order requires continuous influent flow monitoring reported daily, and TSS and BOD₅ monitoring 3/week to determine compliance with removal requirements of the Order.

B. Effluent Monitoring

The following bulleted text summarizes effluent monitoring requirements in the Monitoring and Reporting Program, which accompanies this Order, including changes from the previous Program.

- Monitoring requirements for flow rate, pH, temperature, BOD₅, TSS, oil and grease, chlorine residual, acute toxicity, chronic toxicity, copper, cyanide, mercury, selenium, zinc, 2,3,7,8-TCDD and congeners, standard observations, and priority pollutants are unchanged from the previous permit.
- Dissolved oxygen is a new parameter not required by the previous permit. Dissolved oxygen is an important parameter for determining the efficacy of the treatment plant. It will be monitored 3/week.
- Monitoring frequency for total coliform was increased from 3/week to 5/week because there were multiple violations of this parameter during the permit term.
- Monitoring is no longer required for settleable solids because this parameter is no longer limited by the Order.
- Monitoring is no longer required for dieldrin, silver, chromium IV, cadmium, and arsenic because reasonable potential was not triggered for these pollutants during this permit term. However, monitoring is now required for bis(2-ethylhexyl)phthalate (1/month), 4,4-DDD (2/year), and heptachlor (2/year) because reasonable potential was triggered for these pollutants.
- Routine monitoring for toxic pollutants is limited to those pollutants which have

numeric limitations established by the Order. Less frequent monitoring for all CTR pollutants is required in accordance with the August 6, 2001 letter from the Regional Water Board to all dischargers.

C. Whole Effluent Toxicity Testing Requirements

The Basin Plan requires dischargers to conduct flow-through effluent toxicity tests (Chapter 4, Acute Toxicity) to measure the toxicity of wastewaters and to assess negative impacts upon water quality and beneficial uses caused by the aggregate toxic effect of the discharge of pollutants. This Order includes effluent limitations for whole effluent acute toxicity and monitoring requirements for whole effluent chronic toxicity. All tests shall be performed according to the U.S. EPA-approved method in 40 CFR Part 136, currently “Methods for Measuring the Acute Toxicity of Effluents and Receiving Water, 5th Edition.”

This Order requires that the Dischargers continue their effluent toxicity monitoring efforts as part of the compliance requirements. This requirement is based on the Basin Plan and BPJ.

D. Receiving Water Monitoring

Regional Monitoring Program

On April 15, 1992, the Regional Water Board adopted Resolution No. 92-043 directing the Executive Officer to implement the Regional Monitoring Program (RMP) for the San Francisco Bay. Subsequent to a public hearing and various meetings, Regional Water Board staff requested major permit holders in this region, under authority of section 13267 of California Water Code, to report on the water quality of the estuary. These permit holders responded to this request by participating in a collaborative effort, through the San Francisco Estuary Institute. This effort has come to be known as the San Francisco Bay Regional Monitoring Program for Trace Substances. This Order specifies that the Dischargers shall continue to participate in the RMP, which involves collection of data on pollutants and toxicity in water, sediment and biota of the estuary. Certain receiving water limited parameters are not monitored by the RMP or are not monitored close enough to the Dischargers' outfall to assure compliance with receiving water limits. This annual assessment is not burdensome and will assure compliance with limits.

E. Other Monitoring Requirements

This Order requires standard observations to be made for all bypasses and overflows from manholes, pump stations, collection systems, and sludge drying bed areas.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions (Provision VI.A)

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The Dischargers must comply with all

standard provisions and with those additional conditions that are applicable under section 122.42.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Monitoring and Reporting Requirements (Provision VI.B)

The Dischargers are required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are contained in the MRP (Attachment E), Standard Provisions and SMP, Part A (Attachment G) of the Permit. This provision requires compliance with these documents, and is based on 40 CFR 122.63. The Standard Provisions and SMP, Part A are standard requirements in almost all NPDES permits issued by the Regional Water Board, including this Order. They contain definitions of terms, specify general sampling and analytical protocols, and set out requirements for reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and Regional Water Board's policies. The MRP contains a sampling program specific for the facility. It defines the sampling stations and frequency, the pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all parameters for which effluent limitations are specified. Monitoring for additional constituents, for which no effluent limitations are established, is also required to provide data to conduct reasonable potential analyses in the future.

C. Special Provisions (Provision C)

1. Reopener Provisions

These provisions are based on 40 CFR Part 123 and allow future modification of this Order and its effluent limitations as necessary in response to updated WQOs that may be established in the future.

2. Special Studies and Additional Monitoring Requirements

a. Effluent Characterization Study

This Order does not include effluent limitations for the selected constituents addressed in the August 6, 2001 Letter that do not demonstrate Reasonable Potential, but this provision requires the Dischargers to continue monitoring for these pollutants as described in the August 6, 2001 Letter and as specified in the MRP of this Order. If concentrations of these constituents increase significantly, the Dischargers will be required to investigate the source of the increases and establish

remedial measures, if the increases result in reasonable potential to cause or contribute to an excursion above the applicable WQO/WQC. This provision is based on the Basin Plan and the SIP.

This provision is based on the Basin Plan, the SIP, and the August 6, 2001 Letter for priority pollutant monitoring.

b. Ambient Background Receiving Water Study

This provision is based on the Basin Plan, the SIP, and the August 6, 2001 letter for priority pollutant monitoring. As indicated in this Order, this requirement may be met by participating in the collaborative BACWA study.

c. Optional Mass Offset

This option is provided to encourage the Dischargers to further implement aggressive reduction of mass loads to the Central San Francisco Bay.

3. Best Management Practices and Pollution Prevention

This provision is based on Chapter 4 of the Basin Plan and Section 2.4.5 of the SIP.

Additionally, on October 15, 2003, the Regional Water Board adopted Resolution R2-2003-0096 in support of a collaborative working approach between the Regional Water Board and the BACWA to promote Pollution Minimization Program development and excellence. Specifically, the Resolution embodies a set of eleven guiding principles that will be used to develop tools such as “P2 menus” for specific pollutants, as well as provide guidance in improving P2 program efficiency and accountability. Key principles in the Resolution include promoting watershed, cross-program and cross-media approaches to pollution prevention, and jointly developing tools to assess program performance that may include peer reviews, self-audits or other formats.

4. Construction, Operation, and Maintenance Specifications

- a. Wastewater Facilities, Review and Evaluation, Status Reports. This provision is based on the previous permit and the Basin Plan.
- b. Operations and Maintenance Manual, Review and Status Reports. This provision is based on the Basin Plan, the requirements of 40 CFR Part 122, and the previous permit.
- c. Contingency Plan, Review and Status Reports. This provision is based on the Basin Plan, the requirements of 40 CFR Part 122, and the previous permit.

5. Special Provisions for POTWs

- a. Pretreatment Program. This provision is based on 40 CFR part 403 (General

Pretreatment Regulations for Existing and New Sources of Pollution).

- b. Sludge Management Practices Requirements. This provision is based on the Basin Plan (Chapter 4) and 40 CFR Parts 257 and 503.
- c. No Feasible Alternatives and Implementation Schedule. This provision is based on 40 CFR 122.41(m). It requires that the City of Richmond and RMSD reevaluate prior to the next permit reissuance that it has explored every feasible alternative to eliminate blending.
- d. Sanitary Sewer Overflows and Sewer System Management Plan. This provision is to explain the Order's requirements as they relate to the Dischargers' collection systems, and to promote consistency with the State Water Board-adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Overflow (SSO WDRs) and a related Monitoring and Reporting Program (Order No. 2006-0003-DWQ). The bases for these requirements are described elsewhere in this Fact Sheet for those requirements.

6. Corrective Measures to Minimize Blending

This provision is based on 40 CFR 122.41(m). The Richmond plant currently blends about 12 days/year. The City of Richmond and RMSD submitted an infeasibility analysis that indicates that elimination or reduction of blending is currently infeasible in the short-term. This provision is necessary to ensure the implementation of corrective measures at the Richmond plant to minimize or eliminate blending consistent with 40 CFR 122.41(m).

7. Compliance Schedules for 4,4-DDD, heptachlor and dioxin-TEQ

The compliance schedules and the requirement to submit reports on further measures to reduce concentrations of 4,4-DDD, heptachlor and dioxin-TEQ to ensure compliance with final limits are based on the Basin Plan (page 4-14), and 40 CFR 122.47(a)(3). As previously described, the Dischargers submitted Infeasibility Reports, and the Regional Water Board staff confirmed their assertions. Based on this, a compliance schedule is appropriate for 4,4-DDD, heptachlor, and dioxin-TEQ because the Dischargers have made good faith and reasonable efforts towards characterizing the sources so time to allow additional efforts is necessary to achieve compliance. Maximum allowable compliance schedules are granted to the Dischargers for these pollutants because of the considerable uncertainty in determining an effective measure (e.g., pollution prevention, treatment upgrades) that should be implemented to ensure compliance with final limits. In our view, it is appropriate to allow the Dischargers sufficient time to first explore source control measures before requiring them to propose further actions, such as treatment plant upgrades, that are likely to be much more costly. This approach is supported by the Basin Plan (page 4-25) which states: "In general, it is often more economical to reduce overall pollutant loadings into the treatment systems than to install

complex and expensive technology at the plant."

Finally, because of the ubiquitous nature of the sources of dioxin-TEQ, this provision allows the Dischargers to address compliance with calculated WQBELs through other strategies such as mass offsets.

i. 4,4-DDD. For 4,4-DDD, the previous permit did not grant an interim limit. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify 4,4-DDD at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify for such a §2.1 schedule up to the maximum statutory day (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

ii. Heptachlor. For heptachlor, the previous permit did not grant an interim limit. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify heptachlor at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify for such a §2.1 schedule up to the maximum statutory day (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

iii. Dioxin-TEQ. For Dioxin-TEQ, the previous permit included a compliance schedule until November 30, 2011. Therefore, this Order carries over the compliance schedule from the previous permit.

8. Action Plan for Cyanide

Since the proposed SSO for cyanide has associated action plans for source control, this provision requires an action plan to implement source control requirements once the alternate limits become effective.

9. Action Plan for Copper

Since the proposed SSO for copper has associated action plans for source control, this provision requires an action plan to implement source control requirements once the alternate limits become effective.

VIII. PUBLIC PARTICIPATION

The San Francisco Bay Regional Water Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for West County Agency. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board

encourages public participation in the WDR adoption process.

A. Notification of Interested Parties.

The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following: (a) paper and electronic copies of this Order were relayed to the Dischargers, and (b) the Contra Costa Times published a notice in November 2007 that this item would appear before the Regional Water Board.

B. Written Comments.

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order, Attention: Vincent Christian.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices **by 5:00 p.m. on December 26, 2007.**

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: January 30, 2008
Time: 9:00 am
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612
Contact: Vincent Christian, (510) 622-2336, vchristian@waterboards.ca.gov

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing. Please be aware that dates and venues may change. Our web address is www.waterboards.ca.gov/sanfranciscobay/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

West County Agency
ORDER NO. R2-2008-0003
NPDES NO. CA0038539

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying.

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m. except from noon to 1:00 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (510) 622-2300.

F. Register of Interested Persons.

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Vincent Christian, 510-622-2336, vchristian@waterboards.ca.gov.

ATTACHMENT G – REGIONAL WATER BOARD ATTACHMENTS

The following documents are part of this Order but are not physically attached due to volume. They are available on the Internet at:

<http://www.waterboards.ca.gov/sanfranciscobay/Download.htm>.

- Self-Monitoring Program, Part A (August 1993)
- Standard Provisions and Reporting Requirements, August 1993
- Regional Water Board Resolution No. 74-10
- August 6, 2001 Regional Water Board staff letter, “Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy”

ATTACHMENT H - PRETREATMENT REQUIREMENTS

Pretreatment Program Provisions

1. The Dischargers shall implement all pretreatment requirements contained in 40 CFR §403, as amended. The Dischargers shall be subject to enforcement actions, penalties, and fines as provided in the Clean Water Act (33 USC 1351 *et seq.*), as amended. The Dischargers shall implement and enforce their Approved Pretreatment Programs or modified Pretreatment Programs as directed by the Regional Water Board's Executive Officer or the EPA. The EPA and/or the State may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Clean Water Act.
2. The Dischargers shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(b) of the Clean Water Act. The Dischargers 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 Dischargers shall perform the pretreatment functions as required in 40 CFR §403 and amendments or modifications thereto including, but not limited to:
 - i) Implement the necessary legal authorities to fully implement the pretreatment regulations as provided in 40 CFR §403.8(f)(1);
 - ii) Implement the programmatic functions as provided in 40 CFR §403.8(f)(2);
 - iii) Publish an annual list of industrial users in significant noncompliance as provided per 40 CFR §403.8(f)(2)(vii);
 - iv) Provide for the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR §403.8(f)(3); and
 - v) Enforce the national pretreatment standards for prohibited discharges and categorical standards as provided in 40 CFR §§403.5 and 403.6, respectively.
4. The Dischargers shall submit annually a report to the EPA Region 9, the State Water Board and the Regional Water Board describing its pretreatment program activities over the previous twelve months. In the event that the Dischargers are not in compliance with any conditions or requirements of the Pretreatment Program, the Dischargers shall also include the reasons for noncompliance and a plan and schedule for achieving compliance. The report shall contain, but is not limited to, the information specified in Appendix A entitled, "Requirements for Pretreatment Annual Reports," which is made a part of this Order. The annual report is due on the last day of February each year.
5. The Dischargers shall submit semiannual pretreatment reports to the EPA Region 9, the State

Water Board and the Regional Water Board describing the status of its significant industrial users (SIUs). The report shall contain, but is not limited to, the information specified in Appendix B entitled, "Requirements for Semiannual Pretreatment Reports," which is made part of this Order. The semiannual reports are due July 31st (for the period January through June) and January 31st (for the period July through December) of each year. The Executive Officer may exempt a Discharger from the semiannual reporting requirements on a case by case basis subject to State Water Board and EPA's comment and approval.

6. The Dischargers may combine the annual pretreatment report with the semiannual pretreatment report (for the July through December reporting period). The combined report shall contain all of the information requested in Appendices A and B and will be due on January 31st of each year.
7. The Dischargers shall conduct the monitoring of its treatment plant's influent, effluent, and sludge as described in Appendix C entitled, "Requirements for Influent, Effluent and Sludge Monitoring," which is made part of this Order. The results of the sampling and analysis, along with a discussion of any trends, shall be submitted in the semiannual reports. A tabulation of the data shall be included in the annual pretreatment report. The Executive Officer may require more or less frequent monitoring on a case by case basis.

APPENDIX A

REQUIREMENTS FOR PRETREATMENT ANNUAL REPORTS

The Pretreatment Annual Report is due each year on the last day of February. [If the annual report is combined with the semiannual report (for the July through December period) the submittal deadline is January 31st of each year.] The purpose of the Annual Report is 1) to describe the status of the Publicly Owned Treatment Works (POTW) pretreatment program and 2) to report on the effectiveness of the program, as determined by comparing the results of the preceding year's program implementation. The report shall contain at a minimum, but is not limited to, the following information:

1) Cover Sheet

The cover sheet must contain the name(s) and National Pollutant Discharge Elimination Discharge System (NPDES) permit number(s) of those POTWs that are part of the Pretreatment Program. Additionally, the cover sheet must include the name, address and telephone number of a pretreatment contact person; the period covered in the report; a statement of truthfulness; and the dated signature of a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for overall operation of the POTW (40 CFR §403.12(j)).

2) Introduction

The Introduction shall include any pertinent background information related to the Dischargers, the POTWs and/or the industrial user base of the area. Also, this section shall include an update on the status of any Pretreatment Compliance Inspection (PCI) tasks, Pretreatment Performance Evaluation tasks, Pretreatment Compliance Audit (PCA) tasks, Cleanup and Abatement Order (CAO) tasks, or other pretreatment-related enforcement actions required by the Regional Water Board or the EPA. A more specific discussion shall be included in the section entitled, "Program Changes."

3) Definitions

This section shall contain a list of key terms and their definitions that the Dischargers use to describe or characterize elements of its pretreatment program.

4) Discussion of Upset, Interference and Pass Through

This section shall include a discussion of Upset, Interference or Pass Through incidents, if any, at the POTW(s) that the Dischargers know of or suspect were caused by industrial discharges. Each incident shall be described, at a minimum, consisting of the following

information:

- a) a description of what occurred;
- b) a description of what was done to identify the source;
- c) the name and address of the industrial user (IU) responsible
- d) the reason(s) why the incident occurred;
- e) a description of the corrective actions taken; and
- f) an examination of the local and federal discharge limits and requirements for the purposes of determining whether any additional limits or changes to existing requirements may be necessary to prevent other Upset, Interference or Pass Through incidents.

5) **Influent, Effluent and Sludge Monitoring Results**

This section shall provide a summary of the analytical results from the “Influent, Effluent and Sludge Monitoring” as specified in Appendix C. The results should be reported in a summary matrix that lists monthly influent and effluent metal results for the reporting year.

A graphical representation of the influent and effluent metal monitoring data for the past five years shall also be provided with a discussion of any trends.

6) **Inspection and Sampling Program**

This section shall contain at a minimum, but is not limited to, the following information:

- a) Inspections: the number of inspections performed for each type of IU; the criteria for determining the frequency of inspections; the inspection format procedures;
- b) Sampling Events: the number of sampling events performed for each type of IU; the criteria for determining the frequency of sampling; the chain of custody procedures.

7) **Enforcement Procedures**

This section shall provide information as to when the approved Enforcement Response Plan (ERP) had been formally adopted or last revised. In addition, the date the finalized ERP was submitted to the Regional Water Board shall also be given.

8) **Federal Categories**

This section shall contain a list of all of the federal categories that apply to the Dischargers.

The specific category shall be listed including the subpart and 40 CFR section that applies. The maximum and average limits for the each category shall be provided. This list shall indicate the number of Categorical Industrial Users (CIUs) per category and the CIUs that are being regulated pursuant to the category. The information and data used to determine the limits for those CIUs for which a combined waste stream formula is applied shall also be provided.

9) **Local Standards**

This section shall include a table presenting the local limits.

10) **Updated List of Regulated SIUs**

This section shall contain a complete and updated list of the Dischargers' Significant Industrial Users (SIUs), including their names, addresses, and a brief description of the individual SIU's type of business. The list shall include all deletions and additions keyed to the list as submitted in the previous annual report. All deletions shall be briefly explained.

11) **Compliance Activities**

- a) **Inspection and Sampling Summary:** This section shall contain a summary of all the inspections and sampling activities conducted by the Dischargers over the past year to gather information and data regarding the SIUs. The summary shall include:
- (1) the number of inspections and sampling events conducted for each SIU;
 - (2) the quarters in which these activities were conducted; and
 - (3) the compliance status of each SIU, delineated by quarter, and characterized using all applicable descriptions as given below:
 - (a) in consistent compliance;
 - (b) in inconsistent compliance;
 - (c) in significant noncompliance;
 - (d) on a compliance schedule to achieve compliance, (include the date final compliance is required);
 - (e) not in compliance and not on a compliance schedule;
 - (f) compliance status unknown, and why not.

- b) **Enforcement Summary:** This section shall contain a summary of the compliance and enforcement activities during the past year. The summary shall include the names of all the SIUs affected by the following actions:
- (1) Warning letters or notices of violations regarding SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (2) Administrative Orders regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (3) Civil actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (4) Criminal actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (5) Assessment of monetary penalties. Identify the amount of penalty in each case and reason for assessing the penalty.
 - (6) Order to restrict/suspend discharge to the POTW.
 - (7) Order to disconnect the discharge from entering the POTW.

12) **Baseline Monitoring Report Update**

This section shall provide a list of CIUs that have been added to the pretreatment program since the last annual report. This list of new CIUs shall summarize the status of the respective Baseline Monitoring Reports (BMR). The BMR must contain all of the information specified in 40 CFR §403.12(b). For each of the new CIUs, the summary shall indicate when the BMR was due; when the CIU was notified by the POTW of this requirement; when the CIU submitted the report; and/or when the report is due.

13) Pretreatment Program Changes

This section shall contain a description of any significant changes in the Pretreatment Program during the past year including, but not limited to, legal authority, local limits, monitoring/ inspection program and frequency, enforcement protocol, program's administrative structure, staffing level, resource requirements and funding mechanism. If the manager of the pretreatment program changes, a revised organizational chart shall be included. If any element(s) of the program is in the process of being modified, this intention shall also be indicated.

14) Pretreatment Program Budget

This section shall present the budget spent on the Pretreatment Program. The budget, either by the calendar or fiscal year, shall show the amounts spent on personnel, equipment, chemical analyses and any other appropriate categories. A brief discussion of the source(s) of funding shall be provided.

15) Public Participation Summary

This section shall include a copy of the public notice as required in 40 CFR §403.8(f)(2)(vii). If a notice was not published, the reason shall be stated.

16) Sludge Storage and Disposal Practice

This section shall have a description of how the treated sludge is stored and ultimately disposed. The sludge storage area, if one is used, shall be described in detail. Its location, a description of the containment features and the sludge handling procedures shall be included.

17) PCS Data Entry Form

The annual report shall include the PCS Data Entry Form. This form shall summarize the enforcement actions taken against SIUs in the past year. This form shall include the following information: the POTW name, NPDES Permit number, period covered by the report, the number of SIUs in significant noncompliance (SNC) that are on a pretreatment compliance schedule, the number of notices of violation and administrative orders issued against SIUs, the number of civil and criminal judicial actions against SIUs, the number of SIUs that have been published as a result of being in SNC, and the number of SIUs from which penalties have been collected.

18) Other Subjects

Other information related to the Pretreatment Program that does not fit into one of the above

categories should be included in this section.

Signed copies of the reports shall be submitted to the Regional Administrator at U.S. EPA, the State Water Board and the Regional Water Board at the following addresses:

Regional Administrator
United States Environmental Protection Agency
Region 9, Mail Code: WTR-7
Clean Water Act Compliance Office
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Pretreatment Program Manager
Regulatory Unit
State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 95814

Pretreatment Coordinator
NPDES Permits Division
SF Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

APPENDIX B: REQUIREMENTS FOR SEMIANNUAL PRETREATMENT REPORTS

The semiannual pretreatment reports are due on July 31st (for pretreatment program activities conducted from January through June) and January 31st (for pretreatment activities conducted from July through December) of each year, unless an exception has been granted by the Regional Water Board's Executive Officer. The semiannual reports shall contain, at a minimum, but is not limited to, the following information:

1) Influent, Effluent and Sludge Monitoring

The influent, effluent and sludge monitoring results shall be included in the report. The analytical laboratory report shall also be included, with the QA/QC data validation provided upon request. A description of the sampling procedures and a discussion of the results shall be given. (Please see Appendix C for specific detailed requirements.) The contributing source(s) of the parameters that exceed NPDES limits shall be investigated and discussed. In addition, a brief discussion of the contributing source(s) of all organic compounds identified shall be provided.

The Dischargers have the option to submit all monitoring results via an electronic reporting format approved by the Executive Officer. The procedures for submitting the data will be similar to the electronic submittal of the NPDES self-monitoring reports as outlined in the December 17, 1999 Regional Water Board letter, Official Implementation of Electronic Reporting System (ERS). The Dischargers shall contact the Regional Water Board's ERS Project Manager for specific details in submitting the monitoring data.

If the monitoring results are submitted electronically, the analytical laboratory reports (along with the QA/QC data validation) should be kept at the dischargers' facilities.

2) Industrial User Compliance Status

This section shall contain a list of all Significant Industrial Users (SIUs) that were not in consistent compliance with all pretreatment standards/limits or requirements for the reporting period. The compliance status for the previous reporting period shall also be included. Once the SIU has determined to be out of compliance, the SIU shall be included in the report until consistent compliance has been achieved. A brief description detailing the actions that the SIU undertook to come back into compliance shall be provided.

For each SIU on the list, the following information shall be provided:

- a. Indicate if the SIU is subject to Federal categorical standards; if so, specify the category including the subpart that applies.
- b. For SIUs subject to Federal Categorical Standards, indicate if the violation is of a categorical or local standard.
- c. Indicate the compliance status of the SIU for the two quarters of the reporting period.

- d. For violations/noncompliance occurring in the reporting period, provide (1) the date(s) of violation(s); (2) the parameters and corresponding concentrations exceeding the limits and the discharge limits for these parameters and (3) a brief summary of the noncompliant event(s) and the steps that are being taken to achieve compliance.

3) **POTW's Compliance with Pretreatment Program Requirements**

This section shall contain a discussion of the Dischargers' compliance status with the Pretreatment Program Requirements as indicated in the latest Pretreatment Compliance Audit (PCA) Report, Pretreatment Compliance Inspection (PCI) Report or Pretreatment Performance Evaluation (PPE) Report. It shall contain a summary of the following information:

- a. Date of latest PCA, PCI or PPE and report.
- b. Date of the Dischargers' response.
- c. List of unresolved issues.
- d. Plan and schedule for resolving the remaining issues.

The reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Publicly Owned Treatment Works (POTW) (40 CFR §403.12(j)). Signed copies of the reports shall be submitted to the Regional Administrator at U.S. EPA, the State Water Resources Control Board and the Regional Water Board at the following addresses:

Regional Administrator
United States Environmental Protection Agency
Region 9, Mail Code: WTR-7
Clean Water Act Compliance Office
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Pretreatment Program Manager
Regulatory Unit
State Water Resources Control Board
Division of Water Quality
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