

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

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401

**ORDER R3-2023-0013
NPDES CAG993003**

**WASTE DISCHARGE REQUIREMENTS
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT
FOR DISCHARGES FROM AQUACULTURE FACILITIES AND AQUARIUMS**

Dischargers are subject to waste discharge requirements (WDRs) set forth in this order:

Table 1. Discharger Information

Discharger Types	Any person, partnership, firm, corporation, association, trust estate, or any other legal entity.
Facility Address	Locations throughout the Central Coast Region
Facility Types	Aquaculture facilities and aquariums
Waste Types	Discharges from aquaculture facilities and aquariums— facilities that contain, grow, hold, or study aquatic species— to waters of the United States in the Central Coast Region.
Discharge Flow Rates	Varies

Table 2. Discharger Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Discharges from aquaculture facilities and aquariums	Varies per Discharge	Varies per Discharge	Waters of the United States; Varies per Discharge

This order was adopted on:

October 19, 2023

This order shall become effective on:

January 19, 2024

This order shall expire on:

January 19, 2029

The U.S. Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board, Central Coast Region have classified this discharge as follows:
Minor.

I, Ryan E. Lodge, 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, Central Coast Region on the date indicated above.

Ryan E. Lodge, Executive Officer

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1. BACKGROUND

1.1 **Purpose.** The purpose of this general permit—which is a renewal of Order R3-2019-0001 (NPDES Permit CAG993003), *General Permit for Discharges from Aquaculture Facilities and Aquariums* (general permit)—is to regulate discharges from aquaculture facilities and aquariums to waters of the United States in the Central Coast Region. These discharges meet the definition of a waste, and as such, are required to be permitted pursuant to the California Water Code.

1.2 **Eligible Discharges.** This general permit applies to aquaculture facilities and aquariums, including facilities that contain, grow, hold, or study aquatic species (hereafter Dischargers), that discharge from point sources to waters of the United States within the Central Coast Region. Examples of eligible discharges include those from abalone growing facilities, steelhead trout rearing facilities, salmon rearing facilities, marine mammal laboratories, and aquariums.

Facilities authorized by the general permit may discharge a variety of pollutants attributed to: (1) feeds, directly or indirectly, including feces, (2) residuals of drugs used for maintenance of animal health, and (3) residuals of chemicals used for cleaning equipment or for maintaining or enhancing water quality conditions. Such pollutants can contribute solids and nutrients to receiving waters, and chemical and drug residuals potentially increase toxicity of the discharges and the promotion of resistance to antibiotics.

There are currently seven dischargers authorized by R3-2019-0001 to discharge to the Pacific Ocean, including four research facilities, two commercial aquaculture facilities, and the Monterey Bay Aquarium (MBA). Information describing the current Dischargers is included in section 3.7 of the Fact Sheet (Attachment F). The general permit also authorizes discharges to inland surface waters from freshwater aquaculture facilities.

The following discharges are eligible for coverage under this general permit:

1.2.1 Aquaculture facilities as defined in the Code of Federal Regulations (CFR) at Title 40, Part 122. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility for purposes of 40 CFR § 122.24 if it contains, grows, or holds aquatic animals in any of the following categories:

1.2.1.1 Cold-water fish species or other cold-water aquatic animals in ponds, raceways, or other similar structures that discharge at least 30 days per year but does not include:

1.2.1.1.1. Facilities that produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year and

- 1.2.1.1.2 Facilities that feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.
- 1.2.1.2 Warm-water fish species or other warm-water aquatic animals in ponds, raceways, or other similar structures that discharge at least 30 days per year, but does not include:
 - 1.2.1.2.1 Closed ponds that discharge only during periods of excess runoff or
 - 1.2.1.2.2 Facilities that produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.
 - 1.2.1.3 Any similar facility that the Executive Officer determines may be a significant contributor of pollutants to the waters of the United States (40 CFR §122.24(c)), including those facilities that feed more than 2268 kilograms (approximately 5,000 pounds) of food during the calendar month, regardless of the harvest weight kilograms of aquatic animals produced.
 - 1.2.1.4 Suitability for enrollment in the general permit is determined on a case-by-case basis by California Regional Water Quality Control Board, Central Coast Region (hereinafter the Central Coast Water Board) staff; enrollment is allowed if the discharge meets the terms of the general permit.
 - 1.2.1.5 The following discharges are not eligible for coverage:
 - 1.2.1.5.1 Discharges that contain pollutants for which the receiving water is listed as impaired pursuant to federal Clean Water Act (CWA) Section 303(d).
 - 1.2.1.5.2 Discharges that can reasonably be expected to contribute to a violation of an applicable State water quality standard.
 - 1.2.1.5.3 Discharges that are entirely, or in part, of domestic origin.

2. FINDINGS

The Central Coast Water Board finds:

- 2.1. **Legal Authorities.** This general permit serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This general permit is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the United States Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing Dischargers to discharge into waters of the United States at the discharge locations described in Table 2 subject to the requirements of this order.
- 2.2. On September 22, 1989, a memorandum of agreement executed by the USEPA and the California State Water

Resources Control Board (State Water Board) authorized and established procedures for the State Water Board to issue general NPDES permits pursuant to NPDES regulations at 40 CFR §§ 122.28 and 122.44.

2.3 40 CFR § 122.28(a)(2)(ii) authorizes the issuance of general permits to regulate one or more categories or subcategories of point sources within a geographic area if the sources:

- Involve the same or substantially similar types of operations;
- Discharge similar type of wastes;
- Require similar effluent limitations;
- Require similar monitoring; and
- Are more appropriately controlled under a general permit than by individual permits.

2.3 California Water Code § 13263(i) authorizes the State Water Board or a regional board to prescribe general waste discharge requirements for a category of discharges if the State Water Board or that regional board finds or determines that all of the following criteria apply to the discharges in that category:

- The discharges are produced by the same or similar operations.
- The discharges involve the same or similar types of waste.
- The discharges require the same or similar treatment standards.
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

2.4 **Background and Rationale for Requirements.** The Central Coast Water Board developed the requirements of this general permit using information submitted as part of previously permitted discharges, numerous applications, monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this general permit, is hereby incorporated into and constitutes findings for this order. Attachments A through F are also incorporated into this order.

2.5 On January 31, 2019, the Central Coast Water Board adopted Order No. R3-2019-0001, *Waste Discharge Requirements, NPDES General Permit for Discharges from Aquaculture and Aquariums*. The order included, as Attachment E, Monitoring and Reporting Program No. R3-2019-0001. This order reissues the general permit, including its accompanying monitoring and reporting program.

2.6 On October 18, 2004, the State Water Board notified a number of entities that they must cease the discharge of point-source wastes, stormwater, and other nonpoint-source wastes into Areas of Special Biological Significance (ASBS) or request

exceptions to the Ocean Plan.¹ The State Water Board received numerous applications for exceptions to the Ocean Plan prohibition against waste discharges into ASBS. On October 18, 2011, the State Water Board granted exceptions to Hopkins Marine Station and Monterey Bay Aquarium in the Central Coast region through State Water Board Resolution No. 2011-0050 and Resolution No. 2011-0051,² respectively. Hopkins Marine Station and Monterey Bay Aquarium are required to comply with prohibitions and special conditions in the Special Protections contained in Attachment A to Resolutions No. 2011-0050 and No. 2011-0051, which are intended to ensure that seawater system waste, storm water and nonpoint source discharges are controlled to protect the beneficial uses of the Pacific Grove ASBS. Hopkins Marine Station and Monterey Bay Aquarium are required to implement Attachment A to Resolutions No. 2011-0050 and No. 2011-0051 as modified Monitoring and Reporting Programs.

- 2.7 This general permit enables Central Coast Water Board staff to develop and establish waste discharge requirements applicable to a category of dischargers, simplify the application process for dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.
- 2.8 Although a discharge may qualify for general permit enrollment, the Central Coast Water Board may determine not to enroll a specific discharger or to terminate an enrollment at any time consistent with 40 CFR § 122.28(b)(2)(iv) and regulate the discharge under other programs and/or orders (such as other general waste discharge requirements, individual waste discharge requirements, enforcement orders, etc.).
- 2.9 This general permit may be terminated or modified for cause by the Central Coast Water Board after a public hearing.
- 2.10 This general permit (1) is conditional, (2) does not permit any illegal activity, (3) does not preclude the need for permits that may be required by other state or local government agencies, and (4) does not preclude the Central Coast Water Board from administering enforcement remedies (including administrative civil liability) pursuant to the Water Code.

¹ The California Ocean Plan establishes water quality objectives and implements provisions to protect beneficial uses of marine waters. The California Ocean Plan can be accessed online at:

https://www.waterboards.ca.gov/water_issues/programs/ocean/

² State Water Board Resolutions Nos. 2011-0050 and 2011-0051 and associated documents can be accessed online at:

https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

2.11 This general permit is applicable to Dischargers enrolled in Order No. R3-2019-0001 as of [the date this general permit is adopted].

2.12 **Technology-Based Effluent Limitations.** CWA Section 301(b) and USEPA's NPDES regulations at 40 CFR § 122.44 require permits to include, at a minimum, applicable technology-based limitations and conditions. CWA section 402(a)(1) and NPDES regulations at 40 CFR § 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based limitations on a case-by-case basis when effluent limitations guidelines are not available for an industrial category and/or pollutants of concern. When BPJ is used, permit writers must consider specific factors outlined at 40 CFR § 125.3.

This order implements technology-based requirements from the *Effluent Limitations Guidelines for the Concentrated Aquatic Animal Production Point Source Category*, established by USEPA at 40 CFR Part 451, and it establishes technology-based requirements using BPJ where the effluent limitations guidelines would not be applicable to dischargers authorized by the order. A detailed discussion of development of technology-based effluent limitations is included in the Fact Sheet (Attachment F).

2.13 **Water Quality-Based Effluent Limitations.** CWA Section 301(b) and NPDES regulations at 40 CFR § 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

NPDES regulations at 40 CFR § 122.44(d)(1)(i) mandate 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 is 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 at 40 CFR § 122.44(d)(1)(vi).

2.14 **Provisions and Requirements Implementing State Law.** Some provisions or requirements of this order, including 5.3, are included to implement state law only. These provisions or requirements are not required or authorized under the federal Clean Water Act; consequently, violations of these provisions or requirements are not subject to the enforcement remedies that are available for NPDES violations.

2.15 **Human Right to Water.** Consistent with the human right to water stated in California Water Code section 106.3, subdivision (a) and the Central Coast Water Board's Resolution No. R3-2017-0004, this general permit promotes actions that advance the human right to water and discourages actions that delay or impede

opportunities for communities to secure safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

2.16 Environmental Justice, Disadvantaged Communities, and Tribal Communities. On January 26, 2017, the Central Coast Water Board approved Resolution No. R3-2017-0004, *Adopting the Human Right to Water as a Core Value and Directing Its Implementation in Central Coast Water Board Programs and Activities*, which adopts the human right to water as a core value and affirms the realization of the human right to water and protecting human health as the Central Coast Water Board's top priorities. To meet the objectives of the resolution, during the enrollment process, staff will evaluate disadvantaged community status for any community potentially impacted by the discharge using the California Department of Water Resources Disadvantaged Community (DAC) Mapping Tool.³ Communities believed to be affected by proposed discharges will be notified of the discharge.

Effective January 1, 2023, Water Code sections 189.7 and 13149.2 require the Central Coast Water Board to conduct outreach and to make certain findings when considering certain types of proposed waste discharges. Consistent with Water Code section 13149.2, the Central Coast Water Board's findings on potential environmental justice, tribal impact, and racial equity considerations related to the reissuance of this general permit is limited to the changes from requirements of the prior permit. The permit requirements have no significant changes from the requirements in Order No. R3-2019-0001. Reissuance of this general permit will not result in changes to anticipated water quality impacts or environmental justice concerns within the Central Coast Water Board's authority because there are no significant changes from the prior permit's requirements.

The Central Coast Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in disadvantaged and tribal communities.

Although outreach requirements apply only to the adoption of general permits, staff will evaluate anticipated water quality impacts in disadvantaged communities associated with future enrollments. Whereas the measures in this general permit are expected to address potential water quality impacts of an aquaculture facilities or aquariums, environmental justice concerns within the Water Board's authority

³ The DAC Mapping Tool is used to inform statewide Integrated Water Resources Management (IRWM), Sustainable Groundwater Monitoring Act (SGMA), and California Water Plan implementation efforts and can be found at the following website: <https://gis.water.ca.gov/app/dacs/>. The tool defines a disadvantaged community as a census block with an annual median household income that is less than 80% of the statewide annual median income.

that are raised by interested persons regarding those water quality impacts will be considered when determining permit eligibility.

2.17 **California Environmental Quality Act.** Under California Water Code section 13389, this action to adopt an NPDES permit for the discharge of waste to surface waters is exempt from the California Environmental Quality Act (CEQA) provisions in Public Resources Code, Division 13, Chapter 3.

2.18 **Monitoring and Reporting.** Monitoring and Reporting Program R3-2023-0013 (MRP) is associated with this general permit. The MRP requires routine effluent and receiving water monitoring to verify compliance with this general permit and protection of water quality. All monitoring shall be conducted according to procedures established at 40 CFR Part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*.

Hopkins Marine Station of Stanford University and Monterey Bay Aquarium must implement Attachment A in Resolutions No. 2011-0050 and No. 2011-0051⁴, respectively, as modified Monitoring and Reporting Programs.

2.19 **Annual Fee.** Annual fees are determined per CCR, Title 23, Chapter 9, Article 1, Section 2200. The Threat to Water Quality and Complexity rating for this general permit is 3-C. The annual fee associated with this permit is based upon this rating and subject to change.

2.20 **Clean Water Act.** A permit and the privilege to discharge waste into waters of the state are conditional upon the discharger's complying with provisions of Division 7 of the California Water Code and of the CWA (as amended or as supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, protect beneficial uses, and prevent nuisance. This general permit serves as a NPDES permit pursuant to Section 402 of the CWA. Compliance with this general permit will ensure the aforementioned conditions are met and prevent any potential changes in water quality due to the discharge.

2.21 **Public Notice.** On Month xx, 2023, the Central Coast Water Board notified existing Dischargers enrolled in R3-2019-0001, other members of the public, and interested agencies of the intent to issue general waste discharge requirements for discharges from aquaculture facilities and aquariums, provided them with an opportunity to submit their written views and recommendations, and scheduled a public hearing.

2.22 **Public Hearing.** In a public hearing on October 19-20, 2023, the Central Coast Water Board heard and considered all comments pertaining to the general permit

⁴ State Water Board Resolutions Nos. 2011-0050 and 2011-0051 and associated documents can be accessed online at:
https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

and found this general permit consistent with the above findings and those in the Fact Sheet, Attachment F.

THEREFORE, IT IS HEREBY ORDERED that this order supersedes Order No. R3-2019-001 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger must comply with the requirements in this order. This action in no way prevents the Central Coast Water Board from taking enforcement action for violations of Order No. R3-2019-0001

3. DISCHARGE PROHIBITIONS

- 3.1 Discharge of any waste at a location or in a manner other than as described in the Notice of Availability (NOA) or regulated by this order is prohibited.
- 3.2 Discharges to ocean waters that cause or have the reasonable potential to cause or contribute to excursions above any numerical water quality objective contained in the Ocean Plan are prohibited.
- 3.3 Discharges to inland surface waters, enclosed bays, and estuaries that may cause, have a reasonable potential to cause, or contribute to an excursion above the numeric criteria for priority toxic pollutants contained in 40 CFR Section 131.38 (California Toxics Rule) are prohibited.
- 3.4 In accordance with State Water Board Resolution No. 68-16 (Antidegradation Policy), the discharge shall not cause pollution or nuisance.
- 3.5 The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive wastes to the ocean is prohibited.
- 3.6 Discharges of sanitary wastewater are prohibited.
- 3.7 Discharge of sludge by pipeline to the ocean is prohibited. The discharge of municipal or industrial waste sludge directly to the ocean or into a waste stream that discharges to the ocean is prohibited. The discharge of sludge digester supernatant, without further treatment, directly to the ocean or to a waste stream that discharges to the ocean is prohibited.
- 3.8 Discharge of waste creating conditions of pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code is prohibited.
- 3.9 Discharge of any biota listed in title 14, section 245 of the California Code of Regulations, Aquaculture Disease Control Regulations, or referenced in Part a. 8 of the same section, which is not indigenous to the Central Coast Region, is prohibited. In accordance with section 15500 et seq. of the California Fish and Game Code, enforcement of this prohibition must be requested by the California Department of Fish and Wildlife.

- 3.10 Discharge of active malachite green fungicide is prohibited.
- 3.11 Discharge containing concentrations of pollutants in excess of applicable water quality objectives as stated in the Basin Plan is prohibited.
- 3.12 Discharge containing substances in concentrations toxic to human, animal, plant, or aquatic life is prohibited. Discharge of groundwater that may cause pollution or nuisance is prohibited.
- 3.13 Discharge to a receiving water designated as an area of special biological significance (ASBS) is prohibited unless the discharger meets the requirements of the State Water Board's Resolution No. 2012-0031^{5,6} (or other applicable resolutions) amending the general exception to the Ocean Plan for selected discharges into an ASBS, including special protections for beneficial uses such as:
- 3.13.1 Cessation of non-storm water runoff;
- 3.13.2 Maintenance of natural water quality within an ASBS, including during precipitation events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of ocean water quality in the ASBS; and
- 3.13.3 Adequate monitoring to ensure that beneficial uses are protected.
- 3.14 Additional Requirements
- 3.14.1 The discharge shall cause no scouring or erosion at the point of discharge into the receiving waters.
- 3.14.2 Effluent shall be settled, screened, or filtered to minimize the discharge of waste solids.

⁵ State Water Resources Control Board Resolution No. 2012-0031 can be accessed online at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0031.pdf

⁶ Hopkins Marine Station of Stanford University and Monterey Bay Aquarium are exempt from this prohibition under State Water Board Resolution No. 2011-0050 and No. 2011-0051, respectively. State Water Board Resolutions Nos. 2011-0050 and 2011-0051 and associated documents can be accessed online at:
https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

- 3.14.3 Dischargers shall develop and implement best management practices (BMP) plans to minimize the discharge of pollutants.
- 3.14.4 Dischargers shall comply with Monitoring and Reporting Program No. R3-2023-0013, which includes monitoring requirements for facility intake water, effluent, and receiving water; reporting requirements regarding chemical and drug usage; and monitoring and notice requirements regarding exotic species.
- 3.15 Discharge to the Monterey Bay National Marine Sanctuary is prohibited unless the sanctuary authorizes the discharge.

4. EFFLUENT LIMITATIONS- DISCHARGE POINT 001

During the effective period of this general permit, the Discharger is authorized to discharge from the discharge point(s) specified in the notice of intent to discharge (NOI) within the limits and subject to the conditions set forth in this general permit. This general permit authorizes the discharge resulting from project site processes, waste streams, and operations that have been clearly identified in the notice of applicability (NOA).

- 4.1. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001.
- 4.1.1 Effluent shall not have measurable total dissolved solids greater than surface water and groundwater quality objectives.
- 4.1.2 Effluent shall be essentially free of substances that:
- 4.1.2.1 Float or become floatable upon discharge.
 - 4.1.2.2 May form sediments that degrade aquatic life.
 - 4.1.2.3 Accumulate to toxic levels in surface waters, sediments, or biota.
 - 4.1.2.4 Significantly decrease the natural light to aquatic life.
 - 4.1.2.5 Result in aesthetically undesirable discoloration of the water surface.
- 4.1.3 Effluent discharged to ocean waters shall not contain constituents in excess of the limits for the respective pollutants shown in Table 3 below:

Table 3. Discharge to Ocean Water Effluent Limitations¹

Pollutant	Unit	Monthly (30-day average)	Weekly (7-day average)	Instantaneous Maximum
Oil and Grease	mg/L	25	40	75
Suspended Solids	mg/L	--	--	60
Settleable Solids	mL/L ²	1.0	1.5	3.0
Turbidity	NTU ³	75	100	225
pH	Units	Between 6.0 to 9.0 at all times		

¹ Source water quality will be evaluated when determining compliance with effluent limitations.

² Nephelometric turbidity units

³ Milliliters per liter

5. RECEIVING WATER LIMITATIONS

5.1. Ocean Water Limitations.

The following receiving water limitations are based on water quality objectives contained in the Ocean Plan and are a required part of this order. Compliance shall be determined from samples collected at stations representative of the area within the waste field where initial dilution is completed.

5.1.1 Bacteriological Objectives. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Central Coast Water Board (i.e., waters designated

as REC-1), but including all kelp beds,⁷ the following water quality objectives shall be maintained throughout the water column:

5.1.1.1 **Fecal Coliform.** A 30-day geometric mean (GM) of fecal coliform density not to exceed 200 per 100 milliliters (mL), calculated using the five most recent samples from each site, and a single sample maximum (SSM) not to exceed 400 per 100 mL

Table 4.: Fecal Coliform REC-1 Water Quality Objectives for Water Contact in Ocean Waters

Indicator	30-day Geometric Mean ¹	Single-Sample Maximum
Fecal Coliform	200 per 100 mL	400 per 100 mL

¹ 30-day geometric mean shall be calculated using the five most recent samples from each site.

5.1.1.2 **Enterococci** A six-week rolling GM of *enterococci* not to exceed 30 colony forming units (cfu) per 100 milliliters (mL), calculated weekly, and a statistical threshold value (STV) of 110 cfu/100 mL not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner. USEPA recommends using USEPA Method 1600 or other equivalent method to measure culturable *enterococci*. This water quality objective also applies to inland waters⁸ where the salinity is greater than 1 ppt more than 5 percent of the time during the calendar year.

Table 5: *Enterococci* REC-1 Water Quality Objectives for Water Contact in Ocean Waters

Indicator	Geometric Mean ¹	Statistical Threshold Value
<i>Enterococci</i>	30 per 100 mL	110 per 100 mL

¹ Geometric mean shall be calculated as a six-week rolling GM calculated weekly.

⁷ See California Ocean Plan Appendix I for definition of terms. The Ocean Plan can be accessed online at: https://www.waterboards.ca.gov/water_issues/programs/ocean/

⁸ Per Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California which can be accessed online: <https://www.waterboards.ca.gov/bacterialobjectives/docs/bacteria.pdf>

² Statistical Threshold Value is not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner.

5.1.1.3 Shellfish Harvesting. At all areas where shellfish may be harvested for human consumption, as determined by the Central Coast Water Board, the following bacteriological objectives shall be maintained throughout the water column: median total coliform concentration shall not exceed 70 MPN, and not more than 10 percent of samples shall exceed 230 MPN.

5.1.2 Physical Characteristics:

5.1.2.1 Floating particles and grease and oil shall not be visible.

5.1.2.2 The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

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

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

5.1.2.5 Trash shall not be present in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.

5.1.3 Chemical Characteristics:

5.1.3.1 Dissolved Oxygen:

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

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

5.1.3.2 pH:

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

5.1.3.2.2 The pH value shall not be depressed below 7.0, nor raised above 8.5

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

5.1.3.4 The concentration of substances set forth in Chapter II, Table 3 of the Ocean Plan in marine sediments shall not be increased to levels that would degrade indigenous biota.

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

5.1.3.6 Nutrient levels shall not cause objectionable aquatic growths or degrade indigenous biota.

5.1.4 **Numerical Water Quality Objectives:** Discharges shall not cause exceedances of water quality objectives for ocean waters of the State established in Chapter II Table 3 of the Ocean Plan.

5.1.5 **Biological Characteristics:**

5.1.5.1 Marine communities, including vertebrate, invertebrate, algae, and plant species, shall not be degraded.

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

5.1.5.3 The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5.1.6 **Radioactivity:** Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life or result in the accumulation of radionuclides in the food web to an extent that present a hazard to human, plant, animal, or aquatic life.

5.2 Inland Surface Waters, Enclosed Bays, and Estuaries Limitations

The following receiving water limitations apply to discharges all surface waters, including wetlands, in the Central Coast Region. The discharge shall not cause the receiving water to exceed the following:

5.2.1 Bacteriological Objectives:

5.2.1.1 **Fecal coliform** concentration, based on a minimum of not fewer than five samples for any 30-day period, shall not exceed a log mean of 200 per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 per 100 mL.

5.2.1.2 ***Escherichia Coli (E. coli)***: A six-week rolling GM of *E. coli* not to exceed 100 colony forming units (cfu) per 100 milliliters (mL), calculated weekly, and a statistical threshold value (STV) of 320 cfu/100 mL not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner. This bacteria water quality objective applies all waters where the

salinity is equal to or less than 1 part per thousand (ppt) 95 percent or more of the time during the calendar year. For inland waters where the salinity is greater than 1 ppt more than 5 percent of the time during the calendar year, see section 5.1.1.2 of this permit.

Table 6.: *E. coli* REC-1 Water Quality Objectives for Water Contact in Inland Surface Waters, Enclosed Bays, and Estuaries

Indicator	Geometric Mean ¹	Statistical Threshold Value
<i>E. coli</i>	100 per 100 mL	320 per 100 mL

5.2.2 pH, Temperature, Color

Pollutant	Maximum or Range
pH	Between 7.0 and 8.3 at all times, and not changed more than 0.5 units
Temperature	Maximum increase of 5°F above natural receiving water temperature.
Color	Maximum increase of 15 units, or 10% above natural background color, whichever is greater.

5.2.3 **Taste and Odor** – Taste or odor-producing substances in concentrations imparting undesirable tastes or odors to fish flesh or other edible products of aquatic origin, causing nuisance, or adversely affecting beneficial uses.

5.2.4 **Floating Materials** – Floating material, including solids, liquids, foams, and scum, in concentrations causing nuisance or adversely affecting beneficial uses.

5.2.5 **Suspended Materials** – Suspended material in concentrations causing nuisance or adversely affecting beneficial uses.

5.2.6 **Settleable Materials** – Settleable material in concentrations resulting in the deposition of material causing nuisance or adversely affecting beneficial uses.

5.2.7 **Oil and Grease** – Oils, greases, waxes, or other similar materials in concentrations resulting in a visible film or floating on the surface of the water or on objects in the water, causing nuisance, or otherwise adversely affecting beneficial uses.

5.2.8 **Biostimulatory Substances** – Biostimulatory substances in concentrations that promote aquatic growths causing nuisance or adversely affecting beneficial uses.

5.2.9 **Sediment** – The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

5.2.10 **Chemical Characteristics**: Receiving waters shall not contain concentrations of chemical compounds in excess of the primary maximum contaminant levels (MCLs) specified for drinking water in Table 64431-A (Primary MCLs for Inorganic Chemicals) and Table 64444-A (Primary MCLs for Organic Chemicals) of Title 22 California Code of Regulations, division 4, chapter 15.

5.2.11 **Turbidity** – Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:

Where natural turbidity ⁹ is:	Turbidity shall not be increased more than:
Less than 25 NTUs	5 NTUs
Between 25 and 50 NTUs	20%
Greater than 50 NTUs	10 NTUs

5.2.12 **Dissolved Oxygen** – Dissolved oxygen concentrations to be depressed below 7.0 mg/L or median values to fall below 85% of saturation.

5.2.13 **Toxicity** – All waters shall be maintained free of toxic substances in concentrations that are toxic to or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions shall not be less than that for the same water body in areas unaffected by the waste discharge.

The Toxicity Provisions for Inland Surface Waters, Enclosed Bays, and Estuaries propose numeric water quality objectives for chronic and acute aquatic toxicity that are expressed as null hypotheses and incorporate a

⁹ “Natural turbidity” shall be determined from receiving water samples taken upstream/up current of the discharge point at a location free from controllable sources of pollution.

regulatory management decision (RMD). The RMDs represent the allowable error rates and thresholds that would result in an unacceptable risk to aquatic life. For chronic toxicity, the RMD is set at 25 percent and for acute toxicity, the RMD is set at 20 percent. Attainment of both the acute and chronic water quality objectives are demonstrated by rejecting the null hypotheses (Ho) and accepting the alternative hypotheses in accordance with the Test of Significant Toxicity (TST) statistical approach.

5.2.13.1 Numeric Chronic Aquatic Toxicity Objective

The chronic aquatic toxicity water quality objective is expressed as a null hypothesis and an alternative hypothesis with a regulatory management decision (RMD) of 0.75, where the following null hypothesis shall be used:

Ho: mean response (ambient water) $\leq 0.75 \cdot$ mean response (control)

And where the following alternative hypothesis shall be used:

Ha: mean response (ambient water) $> 0.75 \cdot$ mean response (control)

5.2.13.2 Numeric Acute Aquatic Toxicity Objective

The acute aquatic toxicity water quality objective is expressed as a null hypothesis and alternative hypothesis with an RMD of 0.80, where the following null hypothesis shall be used:

Ho: Mean response (ambient water) $\leq 0.80 \cdot$ mean response (control)

And where the following alternative hypothesis shall be used:

Ha: Mean response (ambient water) $> 0.80 \cdot$ mean response (control)

5.2.14 The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH₃) to exceed 0.025 mg/L (as N) in receiving waters.

5.2.15 **Pesticides** – No individual pesticide or combination of pesticides shall reach concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life. For waters where existing concentrations are presently non-detectable or where beneficial uses would be impaired by concentrations in excess of non-detectable levels, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, or other equivalent methods approved by the Executive Officer.

5.2.16 **Other Organics** – Waters shall not contain organic substances in concentrations greater than the following:

Substance	Units	Effluent Limits
Methylene Blue Activated Substances	mg/L	0.2

Substance	Units	Effluent Limits
Phenols	mg/L	0.1
PCBs	µg/L	0.3
Phthalate Esters	µg/L	0.002

5.2.17 **Radioactivity** – Radionuclides in concentrations deleterious to human, plant, animal or aquatic life or that result in the accumulation of radionuclides in the food web to an extent presenting a hazard to human, plant, animal, or aquatic life.

5.2.18 **An Excursion Above Any Water Quality Standard** – The discharge shall not cause or contribute to an excursion above any applicable criterion or water quality objective for the receiving waters adopted by the Central Coast Water Board or the State Water Board or promulgated by USEPA pursuant to Section 303 of the CWA.

5.3. Groundwater Limitations

The discharge shall not cause pollutant concentrations in groundwater to exceed the following water quality objectives for the Municipal and Domestic Supply (MUN) beneficial use as specified in the Basin Plan:

5.3.1 Organic Chemicals

5.3.2 Inorganic Chemicals

5.3.3 Radioactivity

5.4 Solid Waste Disposal

Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner consistent with chapter 15, division 3 of title 23 and division 2 of title 27 of the California Code of Regulations and approved by the Executive Officer.

6. PROVISIONS

6.1. Standard Provisions

6.1.1 Standard provisions, which apply to all NPDES permits in accordance with 40 CFR § 122.41, and additional conditions applicable to specified categories of

permits in accordance with 40 CFR § 122.42, are provided in Attachment E to the order.

- 6.1.2 In the event that there is any conflict, duplication, or overlap between provisions specified by this order, the more stringent provision must apply.
- 6.1.3 Failure to comply with provisions or requirements of this order or violation of other applicable laws or regulations governing discharges from this facility may subject the Discharger to administrative or civil liability, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
- 6.1.4 NPDES regulations at 40 CFR § 122.41(a)(1) and (b - 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. 40 CFR § 123.25 (a) (12) allows the State to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR § 123.25, this order omits federal conditions that address enforcement authority specified in 40 CFR § 122.41(j)(5) and (k)(2), because the enforcement authority under the CWC is more stringent. In lieu of these conditions, this general permit incorporates by reference CWC §13387(e).
- 6.1.4.1 The Discharger shall comply with all standard provisions included in Attachment D.
- 6.1.4.2 The Discharger shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this order, the more stringent provision shall apply:
- 6.1.4.2.1 The Discharger shall comply with the monitoring and reporting program included as Attachment E of this general permit, and any revisions prescribed thereto.
- 6.1.4.2.2 A copy of this general permit shall be kept at the discharge facility for reference by operating personnel. Key operating and site management personnel shall be familiar with its contents.
- 6.1.4.2.3 In the event the Discharger wishes to terminate authorization under this general permit, the Discharger shall submit a completed Notice of Termination (NOT), included with this general permit as Attachment G. Termination from coverage will occur on the date specified in the NOT, unless notified otherwise by the Central Coast Water Board. All discharges must cease before the date of termination, and any discharges to waters of the U.S. on or after this date shall be considered in violation of the CWA unless authorized by another NPDES permit.

- 6.1.4.2.4 In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this general permit by letter, a copy of which shall be immediately forwarded to the Board along with a completed NOT.
- 6.1.4.2.5 The Discharger shall take all reasonable steps to prevent any discharge in violation of this permit.
- 6.1.4.2.6 The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) to achieve compliance with this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit.
- 6.1.4.2.7 The Discharger shall furnish the Central Coast Water Board, within a reasonable time, any information that the Central Coast Water Board may request to determine compliance with this general permit.
- 6.1.4.2.8 Inspection and Entry: The Discharger shall allow Central Coast Water Board staff, or an authorized representative (including an authorized contractor acting as a representative of the Board), upon presentation of credentials and other documents as may be required by law, to:
- 6.1.4.2.8.1 Enter upon premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this general permit;
- 6.1.4.2.8.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- 6.1.4.2.8.3 Inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- 6.1.4.2.8.4 Photograph, sample or monitor, at reasonable times, for the purposes of showing compliance with this general permit.
- 6.1.4.2.9 Monitoring results must be based on analyses conducted according to test procedures under 40 CFR Part 136, approved under 40 CFR Part 136, or authorized by the Central Coast Water Board Executive Officer.
- 6.1.4.2.10 All reports, Notices of Intent, other documents required by this permit, and other information requested by the Central Coast Water Board shall be signed by a person described below or by a duly authorized representative of that person.

6.1.4.2.10.1 For a corporation: by a responsible corporate officer such as: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (b) any other person who performs similar policy or decision making functions for the corporation; or (c) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.1. 4.2.10.2 For a partnership or sole proprietorship: by a general partner or the proprietor.

6.1. 4.2.10.3 For a municipal, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6.1. 4.2.11 Any person signing a document under Section 5.2.2 or Section 5.2.3 of the general permit's standard provisions makes the following certification, whether written or implied:

"I certify under penalty of law this document and all attachments were prepared under my direction or supervision, in accordance with a system designed to ensure 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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.1. 4.2.12 If the Discharger monitors any constituent more frequently than required by the monitoring and reporting program, the monitoring results shall be submitted.

6.1. 4.2.13 The Discharger must immediately report any non-compliance potentially endangering public health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. The Discharger must also submit a written report to the Central Coast Water Board Executive Officer (and Monterey Bay National Marine Sanctuary (MBNMS) superintendent at mbnms.permits@noaa.gov for discharges within the Sanctuary) within five days of the time the Discharger becomes aware of the circumstances. The written report shall contain (1) a description of the noncompliance and its cause; (2) the period of non-compliance, including dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.

6.1. 4.2.14 The Discharger shall report all instances of non-compliance not reported under Standard Provisions Section 8.4.1 of the general permit at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provisions Section 8.4.1.

- 6.1. 4.2.15 The Discharger shall give notice to the Central Coast Water Board as soon as possible of any planned alterations to the permitted facility that may change the nature or concentration of pollutants in the discharge.
- 6.1. 4.2.16 Violations of this general permit may result in enforcement actions pursued under the following or other applicable authorities:
- 6.1. 4.2.16.1 The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, to imprisonment of not more than one year, or to both penalties. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA.
- 6.1. 4.2.16.2 The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, by imprisonment for not more than six months per violation, or by both. Section 13387 of the California Water Code allows for fines up to \$25,000 per violation and imprisonment for up to two years after such violations.
- 6.1. 4.2.16.3 The CWA provides 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, by imprisonment for not more than two years, or by both. Higher penalties may be imposed for repeat offenders.

6.2. Monitoring and Reporting Program (MRP) Requirements

- 6.2.1. The Discharger must comply with the MRP, and future revisions thereto, in Attachment E of this general permit, and all notification and general reporting requirements throughout this general permit and Attachment E. Where notification or general reporting requirements in this general permit conflict with those stated in the MRP (e.g., annual report due date), the Discharger must comply with the MRP requirements. All monitoring must be conducted according to Title 40 of the Code of Federal Regulations (40 C.F.R.) part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants.
- 6.2.2. The Executive Officer may amend the MRP to add additional requirements if needed to adequately ensure compliance with the general permit.

6.3. Special Provisions

6.3.1. Reopener Provisions

- 6.3.1.1 This general permit may be reopened for modification or revocation and reissuance as a result of the detection of a reportable priority pollutant generated by special conditions included in this general permit. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this general permit as a result of the special condition monitoring data.
- 6.3.1.2 This general permit may be reopened and modified in accordance with NPDES regulations at 40 C.F.R. parts 122 and 124, as necessary, to include additional conditions or limitations based on newly available information or to implement any USEPA-approved, new State water quality objective.
- 6.3.1.3 This general permit may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above an Ocean Plan Table 3 water quality objective.

6.3.2 Special Studies, Technical Papers, and Additional Monitoring Requirements

6.3.2.1 Toxicity Reduction Evaluation Workplan: The Discharger shall maintain a Toxicity Reduction Evaluation (TRE) Workplan that describes steps that the Discharger intends to follow in the event that a toxicity effluent limitation or monitoring “trigger” established by this order is exceeded in the discharge. The workplan shall be prepared in accordance with current technical guidance and reference material, including EPA/600/2-88-070 (for industrial discharges) or EPA/600/2-88/062 (for municipal discharges), and shall include, at a minimum:

- 6.3.2.1.1 Actions that will be taken to investigate/identify the causes/sources of toxicity,
- 6.3.2.1.2 Actions that will be evaluated to mitigate the impact of the discharge, to correct the non-compliance, and/or to prevent the recurrence of acute or chronic toxicity (this list of action steps may be expanded, if a TRE is undertaken), and
- 6.3.2.1.3 A schedule under which these actions will be implemented.

6.3.2.2 Toxicity Reduction Requirements

If whole effluent chronic toxicity exceeds 1.0 chronic toxicity unit (TU_c) with any test species, following monitoring required by Section 5 of the Monitoring and Reporting Program (Attachment E), the Discharger shall conduct a Toxicity Reduction Evaluation (TRE) in accordance with the Discharger’s TRE Workplan.

A 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. The TRE shall include all reasonable steps to identify the source of toxicity. The Discharger shall take all reasonable steps to reduce toxicity to the required level once the source of toxicity is identified.

When initial monitoring measures whole effluent chronic toxicity in the effluent above 1.0 TUc, the Discharger shall resample immediately, if the discharge is continuing, and retest for whole effluent toxicity. Results of an initial failed test and results of subsequent monitoring shall be reported to the Executive Officer (EO) as soon as possible following receipt of monitoring results. The EO will determine whether to initiate enforcement action or to implement other measures. The Discharger shall conduct a TRE giving due consideration to guidance provided by the USEPA's Toxicity Reduction Evaluation Procedures, Phases 1, 2, and 3 (EPA document nos. EPA 600/3-88/034, 600/3-88/035, and 600/3-88/036, respectively). A TRE, if necessary, shall be conducted in accordance with the following schedule.

Table 4. Toxicity Reduction Evaluation – Schedule

Action Step	When Required
Take all reasonable measures necessary to immediately reduce toxicity, where the source is known.	Within 24 hours of identification of noncompliance.
Initiate the TRE in accordance to the Workplan.	Within 7 days of notification by the EO
Conduct the TRE following the procedures in the Workplan.	Within the period specified in the Workplan (not to exceed one year, without an approved Workplan)
Submit the results of the TRE, including summary of findings, required corrective action, and all results and data.	Within 60 days of completion of the TRE
Implement corrective actions to meet Permit limits and conditions.	To be determined by the EO

6.3.2.3 Best Management Practices and Pollution Prevention

6.3.2.3.1 Dischargers shall develop and maintain a best management practices (BMP) plan that describes how they will meet the goals and general permit requirements established below.

6.3.2.3.2 New dischargers seeking authorization under the general permit shall submit a BMP plan to the Executive Officer with their Notice of Intent / application for coverage under the general permit. The BMP plan shall be fully implemented by the effective date of enrollment under the general permit.

6.3.2.3.3 The BMP plan shall ensure that the following objectives are met.

6.3.2.3.3.1 The number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the extent feasible by appropriately managing each waste stream.

6.3.2.3.3.2 Each facility system shall be examined for its potential to cause a release of pollutants and opportunities to minimize waste. The examination shall include all normal facility operations, including, but not limited to, structural maintenance, cleaning, feed management, transfer and importation of species, removal of mortalities, storage and handling of raw material, disposal of solid waste, employee training, and recordkeeping.

6.3.2.3.3 The BMP plan shall establish and document specific BMPs and operating procedures to attain the objectives specified above and shall follow the general guidance contained in the *Guidance Manual for Developing Best Management Practices* (USEPA, 1993) and the *Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category* (USEPA, 2006). The BMP plan shall include a statement of BMP policy and describe, at a minimum, feeding procedures, cleaning and maintenance procedures, schedules of activities, prohibited practices, treatment methods, and employee training.

6.3.2.3.4 Dischargers shall amend their BMP plans whenever there is a change in the facility or in its operation that increases the generation of pollutants or their discharge to receiving waters. Revision dates and summaries of revisions shall be documented in the BMP plan.

6.3.2.3.5 Dischargers shall maintain a copy of their BMP plans at the facility and shall make the plan available to the Executive Officer or representatives thereof upon request.

6.3.2.3.6 BMP plan and implementation minimum requirements for **flow-through and recirculating systems**:

6.3.2.3.6.1 **Solids Control**

6.3.2.3.6.1.1 Dischargers shall employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth to minimize potential discharges of uneaten feed and waste products to waters of the U.S. In net pen and submerged cage systems, authorized dischargers shall collect, return to shore, and properly dispose of feed bags, packaging materials, waste rope, and netting.

6.3.2.3.6.1.2 Dischargers shall identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize discharges of accumulated solids during inventorying, grading, and harvesting in production systems.

6.3.2.3.6.1.3 Dischargers shall remove and dispose of mortalities on a regular basis and shall minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, carcasses, or transport water containing blood.

6.3.2.3.6.2 Materials Storage

6.3.2.3.6.2.1 Dischargers must ensure proper storage of drugs, pesticides, and feed to prevent spills that may result in discharges to waters of the U.S.

6.3.2.3.6.2.2 Dischargers must implement procedures for properly containing, cleaning, and disposing of any spilled material.

6.3.2.3.6.3 Structural Maintenance

6.3.2.3.6.3.1 Dischargers must inspect production and wastewater treatment systems on a routine basis to identify and promptly repair damage.

6.3.2.3.6.3.2 Dischargers must conduct regular maintenance of production and wastewater treatment systems to ensure their proper function.

6.3.2.3.6.4 Recordkeeping

6.3.2.3.6.4.1 Dischargers must maintain records that document feed amounts and the numbers and weight of aquatic animals.

6.3.2.3.6.4.2 Dischargers must keep records documenting the frequency of cleaning, inspections, maintenance, repairs, and (for net pen and submerged cage systems) net changes.

6.3.2.3.6.4.3 Dischargers must keep records of any drugs, pesticides, or other chemicals administered at the facility.

6.3.2.3.6.5 Training

6.3.2.3.6.5.1 Dischargers must train facility personnel in spill prevention and spill response.

6.3.2.3.6.5 .2 Dischargers must train staff regarding proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and equipment use.

6.3.2.3.7 BMP plan and implementation minimum requirements for **net pen systems**:

6.3.2.3.7.1 **Feed management.** The discharger must use efficient feed management and feeding strategies that minimize the accumulation of uneaten food beneath the pens. Feed monitoring and management practices may include use of real-time feed monitoring, monitoring of sediment quality beneath the pens, capture of waste feed and feces, or other good husbandry practices.

6.3.2.3.7.2 **Waste collection and disposal.** The discharger must collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting.

6.3.2.3.7.3 **Transport or harvest discharge.** The discharger must minimize any discharge associated with the transport or harvesting of aquatic animals.

6.3.2.3.7.4 **Carcass removal.** The discharger must remove and dispose of aquatic animal mortalities on a regular basis.

6.3.2.3.7.5 **Materials storage.** The discharger must properly store drugs, pesticides, and feed in a manner to prevent spills, and implement procedures for containing, cleaning, and disposing of any spilled material.

6.3.2.3.7.6 **Maintenance.** The discharger must inspect, conduct regular maintenance of, and repair the production and wastewater treatment systems on a routine basis.

6.3.2.3.7.7 **Recordkeeping.** The discharger must document feed amounts and numbers and weights of aquatic animals to calculate feed conversion ratios, and document the frequency of net changes, inspections, and repairs.

6.3.2.3.7.8 **Training.** The discharger must train personnel in spill prevention and response and on the proper operation and cleaning of production and wastewater treatment systems.

6.3.2.4 Construction, Operation and Maintenance Specifications. This section of the standardized permit template is not applicable to the general permit.

6.3.2.5 Special Provisions for Municipal Facilities (POTWs Only). This section of the standardized permit template is not applicable to the general permit.

6.4 General Permit Eligibility and Enrollment

6.4.1 **Eligibility.** This region-wide general NPDES permit discharges from aquaculture facilities and aquariums (general permit) authorizes the discharge of wastes meeting the criteria specified in this general permit to waters of the United States by any person, partnership, firm, corporation, association, trust estate, or any other legal entity. Discharges from aquaculture facilities and aquariums are discharges that contain minimal amounts of pollutants and pose little or no threat to water quality and the environment.

6.4.2 Types of Discharges Covered by this General Permit

6.4.2.1 USEPA and the State Water Board classify these discharges as minor discharges. These discharges may be treated and discharged on either continuous or batch bases. For discharges from construction sites smaller than one acre that are part of a larger common plan of development or that may cause significant water quality impacts, dischargers must seek coverage under the Construction Storm Water Permit or an individual NPDES permit.

6.4.2.2 **Criteria for Enrollment:** To be covered by the general permit, discharges must meet the following criteria:

6.4.2.2.1 Pollutant concentrations in the discharge do not cause or contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge.

6.4.2.2.2 The discharge does not include water added for the purpose of diluting pollutant concentrations.

6.4.2.2.3 Pollutant concentrations in the discharge will not impair beneficial uses of receiving waters.

6.4.2.2.4 The discharge shall not cause acute or chronic toxicity in receiving waters.

6.4.2.2.5 The Discharger shall demonstrate the ability to comply with the requirements of this general permit.

6.4.3 Application Requirements

6.4.3.1 **New Dischargers.** Dischargers who are seeking authorization to discharge under this general permit and are not enrolled in Order No. R3-2019-0001 as of the effective date of this general permit must submit a complete application package at least 180 days in advance of the proposed discharge start date to provide time for application review and submittal of additional information that may be necessary to complete the enrollment. This time period may be waived by the Executive Officer.

If a Discharger currently authorized by an existing individual permit seeks authorization to discharge under this general permit, any unexpired individual permit will be terminated upon enrollment in this general permit, and any administratively continued conditions of an expired individual permit will no longer be effective.

6.4.3.1.1 Application Package. It is the responsibility of the Discharger to obtain coverage under this general permit prior to commencement of any discharge to surface waters. An applicant proposing to discharge in accordance with this general permit from multiple facilities throughout its service area need only submit one complete application to the Central Coast Water Board and pay one application fee for regulatory coverage of all its discharges to waters of the United States within the Central Coast Region. A complete application package for obtaining regulatory coverage under this general permit consists of the following items:

6.4.3.1.1.1 Notice of Intent. A complete Notice of Intent (NOI) (found in Attachment B) serves as the application for enrollment in this general permit. The required contents of the NOI are described in the form NOI included in Attachment B of this Order. As described below, prospective dischargers shall submit a complete NOI, if required, and application fee to the Executive Officer. All prospective dischargers that will discharge into the Monterey Bay National Marine Sanctuary (MBNMS) shall also send a copy of the NOI to MBNMS at mbnms.permits@noaa.gov for review.

A discharger authorized to discharge under the general permit shall submit an updated NOI when there is a material change in the information submitted with its original NOI or any change in activities at the facility that may affect the character (quality or quantity) of discharges from the facility.

New dischargers will not be authorized to discharge until a complete NOI has been submitted to the Central Coast Water Board and the Executive Officer has given notice of applicability (NOA) in accordance with section 6.4.3.3 of this order.

6.4.3.1.1.2 Best Management Practices (BMP) Plan in accordance with 6.3.2.3 of this permit.

6.4.3.1.1.3 Analytical Data. If an applicant discharges or proposes to discharge into an impaired waterbody or a waterbody subject to one or more applicable Total Maximum Daily Loads (TMDLs), the applicant must sample the discharge for the pollutants causing the impairment in the receiving water under the current 303(d) list and submit the results with the NOI. Discharges that contain pollutants for which the receiving water is listed as impaired pursuant to federal Clean Water Act (CWA) section 303(d) are not eligible for coverage under this general permit.

- The list of impaired waterbodies can be found under the CWA section 303(d) List at the website:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_list.html
- The list of approved TMDLs can be found at the website:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_and_tmdl_projects.html

6.4.3.1.1.4 Application Fee. General permit applicants must pay an application fee, and enrollees must pay annual fees. The application and annual fees for this general permit are specified in the current fee schedule at California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees, section 2200(b)(9), Category 3, plus applicable surcharges, as revised.

Unless otherwise directed by the Central Coast Water Board or State Water Board, applicants shall submit application fees to the Central Coast Water Board with the application and shall pay annual fees in response to State Water Board invoices issued each year. Fee amounts and payment procedures are subject to change. The appropriate first annual fee as required by Title 23 of the CCR, Division 3, Chapter 9, Article 1. The current fee schedule is available at the following website:

<http://www.waterboards.ca.gov/resources/fees>

6.4.3.1.2 Discharges into the Monterey Bay National Marine Sanctuary (MBNMS). For discharges into the MBNMS, the NOI must be submitted by the Discharger to MBNMS at mbnms.permits@noaa.gov for review. After reviewing the submitted information, MBNMS will notify the applicant and the Central Coast Water Board in writing whether MBNMS has an objection to enrollment of the discharger into this general permit.

6.4.3.2 Existing Dischargers. Existing Dischargers are Dischargers enrolled in Order No. R3-2019-0001 as of the effective date of this general permit. Existing Dischargers are automatically enrolled under this Order No. R3-2023-0013. Such Dischargers must comply with all requirements of Order No. R3-2023-0013 beginning with the effective date. The analytical results required by Section 6.4.3.1.1.3 of shall be submitted with the Discharger's next annual report or on the date specified in the MRP. A notice of applicability authorizing discharge under this general permit will not be issued to existing Dischargers. The conditions of Order No. R3-2019-0001 are administratively continued until the effective date of this general permit.

For automatically enrolled existing Dischargers, coverage under this general permit shall continue until the Discharger terminates enrollment in this general permit, receives an individual permit, or enrolls under another applicable general permit. To terminate enrollment in this general permit, existing

Dischargers must submit a completed Notice of Termination, available at Attachment G.

Authorization for coverage under this general permit may be revoked in the event of violations of any permit term or condition, which includes not causing or contributing to water quality objective/criteria excursions.

6.4.3.3 Notice of Applicability. Upon receipt of a complete application package, Central Coast Water Board staff will determine whether the proposed discharge is eligible for enrollment in this general permit. If the application package is complete and the information provided is in accordance with the eligibility requirements of this general permit, the Executive Officer will issue a notice of applicability providing regulatory coverage for the authorized discharges within the service areas identified in the NOI. The regulatory coverage commences for new discharges starting on the date specified in the notice of applicability. If the application package is not complete or the described discharge is deemed ineligible for regulatory coverage under this general permit, the Central Coast Water Board will (1) request the missing information that renders the application package incomplete and/or (2) state why the discharge is not eligible for regulatory coverage under this general permit.

Upon issuance of the notice of applicability or another effective date specified in the NOA, the Discharger is subject to the terms and conditions of this order. The Discharger is responsible for submitting monitoring reports and the annual fee associated with this order until a Notice of Termination (Attachment G of this order) is received.

In no case may the discharge occur until the applicant receives written confirmation of enrollment.

6.4.4 Central Coast Water Board Authorization

6.4.4.1 Pursuant to National Pollutant Discharge Elimination System (NPDES) regulations at 40 CFR § 122.28(b)(2)(vi), the Executive Officer may notify a person that it is covered by this general permit even if the person has not submitted a Notice of Intent to enroll in the general permit. Such a discharger must comply with the conditions of this general permit and shall become obligated to meet all discharge limitations and monitoring and reporting requirements of the general permit.

6.4.4.2 Pursuant to NPDES regulations at 40 CFR § 122.28(b)(3), the Executive Officer may require any Discharger authorized by the general permit to apply for and obtain an individual permit. Coverage under the general permit will terminate immediately upon the effective date of such an individual permit.

6.4.4.3 Public notification and/or Central Coast Water Board review of the Executive Officer's intent to authorize a discharge under this general permit may delay authorization to discharge under this general permit.

6.4.4.4 Transfer of Authorization. Authorization to discharge in accordance with this general permit may not be transferred to another person except after notice to the Central Coast Water Board and issuance of an updated NOA to the new Discharger by the Central Coast Water Board.

Notice to the Central Coast Water Board shall include:

- Notification of the proposed transfer from the existing authorized Discharger;
- Submittal of a Notice of Termination by the existing authorized Discharger; and
- Submittal by the new Discharger of a NOI to change the name of the Discharger in the NOA, update information to address any changes to the facility and discharge, and incorporate such other requirements as may be necessary under the CWA and the California Water Code.

6.4.5 Termination of Coverage

6.4.5.1 When coverage under this general permit is no longer needed, the Discharger shall submit a notice of termination (NOT) of coverage under the general permit provided as Attachment G within 30 days following permanent termination. The Discharger shall also request termination of coverage under this general permit when either (a) the facility has ceased operations or (b) the facility's operations have changed and the discharge is no longer eligible for coverage under the general permit. Upon the date of the NOT, the Discharger shall no longer be authorized to discharge under this general permit.

6.4.5.2 The Discharger is subject to the terms and conditions of this general permit and is responsible for submitting the annual fee associated with this general permit until the Discharger submits the NOT and receives written acknowledgment of the NOT from the Central Coast Water Board.

6.4.5.3 In accordance with 40 C.F.R. section 122.28(b)(3)(iii), any Discharger may request to be excluded from coverage under a general NPDES permit by applying for an individual NPDES permit. Upon receipt of the request and application for an individual permit, the Executive Officer shall determine if an individual permit should be issued. When the Central Coast Water Board issues an individual permit to a Discharger, the applicability of this general permit to that Discharger is automatically terminated on the effective date of the individual permit.

6.4.5.4 The Central Coast Water Board may determine that a waste discharge eligible for authorization by this general permit is more appropriately regulated under an individual permit or another general permit. If an individual permit is issued for the discharge or the discharge is enrolled in another general permit, enrollment

in this general permit for the discharge is immediately terminated on the effective date of the alternate permit.

6.4.6 Permit Expiration. This general permit will expire five years after the effective date, as specified in this general permit. In accordance with 40 C.F.R. section 122.6(d)(1), if the permit is not reissued by the expiration date, the conditions of this general permit will continue in force and effect until a new general permit is issued. New dischargers may enroll in this general permit while it is under administrative extension.

7. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in this general permit will be determined as specified below:

7.1. General

Compliance with effluent limitations for reportable pollutants must be determined using sample reporting protocols defined in Attachment E (MRP) and Attachment A (definitions) of this order or, as is appropriate for Hopkins Marine Station of Stanford University and Monterey Bay Aquarium, Attachment A in Resolutions No. 2011-0050 and No. 2011-0051. For purposes of reporting and administrative enforcement by the Central Coast Water Board and the State Water Board, the Discharger must be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML).

7.2 Multiple Sample Data

When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple samples analyses and the data set contains one or more reported determinations of detected, non-quantifiable (DNQ), or not detected (ND), the Discharger must compute the median in place of the arithmetic mean in accordance with the following procedure:

7.2.1 The data set must 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.

7.2.2 The median value of the data set must 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 must be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

ATTACHMENT A – DEFINITIONS

Acute Toxicity

- a. Acute Toxicity (TUa), expressed in Toxic Units Acute (TUa)

$$\text{TUa} = 100 / 96\text{-hr LC } 50\%$$

- b. Lethal Concentration 50% (LC 50)

LC 50 (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in Ocean Plan Appendix III. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substances. When it is not possible to measure the 96-hour LC 50 due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

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

where:

S = percentage survival in 100% waste. If S > 99, TUa shall be reported as zero.

Areas of Special Biological Significance (ASBS)

Those areas designated by the State Water Resources Control Board (State Water Board) as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

Arithmetic Mean (μ)

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:

$$\text{Arithmetic mean } (\mu) = \frac{\sum x}{n}$$

where: $\sum x$ is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL)

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL)

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

Bioaccumulative

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.

Calendar Year

A period of time defined as twelve consecutive calendar months.

Carcinogenic

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

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

Chronic Toxicity: This parameter shall be used to measure the acceptability of waters for supporting a healthy marine biota until improved methods are developed to evaluate biological response.

- a. Chronic Toxicity (TUc)

Expressed as Toxic Units Chronic (TUc) = $100/\text{NOEL}$

- b. No Observed Effect Level (NOEL)

The NOEL is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed in Ocean Plan Appendix II.

Coefficient of Variation (CV)

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 one 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.

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

Degrade: Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)

DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

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

Downstream Ocean Waters shall mean waters downstream with respect to ocean currents.

Dredged Material: Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil".

Dilution Credit

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)

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 wasteload allocation (WLA) as used in USEPA guidance (Technical Support Document for Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays

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.

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

Estimated Chemical Concentration

The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries

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 must be considered estuaries. Estuarine waters must 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.

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

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

Initial Dilution is the process that results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.

For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and non-buoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the Regional Water Board, whichever results in the lower estimate for initial dilution.

Inland Surface Waters

All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation

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

Instantaneous Minimum Effluent Limitation

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

Kelp Beds, for purposes of the bacteriological standards of the Ocean Plan, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

Mariculture is the culture of plants and animals in marine waters independent of any pollution source.

Material: (a) In common usage: (1) the substance or substances of which a thing is made or composed (2) substantial; (b) For purposes of the Ocean Plan relating to waste disposal, dredging and the disposal of dredged material and fill, MATERIAL means matter of any kind or description which is subject to regulation as waste, or any material dredged from the navigable waters of the United States. See also, DREDGED MATERIAL.

Maximum Daily Effluent Limitation (MDEL)

The highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is

calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median

The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order).

If the number of measurements (n) is odd, then:

$$\text{median} = \frac{X_{(n+1)}}{2}$$

If n is even, then:

$$\text{median} = \frac{\frac{X_n}{2} + \frac{X_{n+1}}{2}}{2}$$

(i.e., the midpoint between the (n/2 and ((n/2)+1))).

Method Detection Limit (MDL)

MDL is the minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 C.F.R. part 136, Attachment B.

Minimum Level (ML)

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

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 waterbody.

Most Probable Number (MPN)

A statistical estimate of the number of coliform-group organisms per unit volume of sample water. Expressed as a density or population of organisms per 100 mL of sample water.

Natural Light: Reduction of natural light may be determined by the Regional Water Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Water Board.

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. If a discharge outside the territorial waters of the state could affect the quality of the waters of the state, the discharge may be regulated to assure no violation of the Ocean Plan will occur in ocean waters.

Not Detected (ND)

Sample results which are less than the laboratory's MDL.

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

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

Persistent Pollutants

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

Pollutant Minimization Program (PMP)

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 Central Coast 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), must be considered to fulfill the PMP requirements.

Pollution Prevention

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 Water Resources Control Board (State Water Board) or Central Coast Water Board.

Reporting Level (RL)

The RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this order, including an additional factor if applicable as discussed herein. The MLs included in this order correspond to approved analytical methods for reporting a sample result that are selected by the Central Coast Water Board either from Appendix 4 of the State Implementation Policy (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.

Reported Minimum Level is the ML (and its associated analytical method) chosen by the Discharger 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 II of the Ocean Plan in accordance with section III. C. 5. a. of the Ocean Plan or established in accordance with section III. C. 5. b. of the Ocean Plan. 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 reported ML.

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.

Shellfish are organisms identified by the California Department of Health Services as shellfish for public health purposes (i.e., mussels, clams and oysters).

Significant Difference is defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

State Water Quality Protection Areas (SWQPAs) are non-terrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. All Areas of Special Biological Significance (ASBS) that were previously designated by the State Water Board in Resolution No.s 74-28, 74-32, and 75-61 are now also classified as a subset of State Water Quality Protection Areas and require special protections afforded by the Ocean Plan.

Source of Drinking Water

Any water designated as municipal or domestic supply (MUN) in a Central Coast Water Board Basin Plan.

Standard Deviation (σ)

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

$$\text{Standard Deviation } (\sigma) = \frac{\sum(X-\mu)^2}{(n-1)^{0.5}}$$

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

TCDD Equivalents

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

Isomer Group	Toxicity Equivalence Factor
2,3,7,8-tetra CDD	1.0
2,3,7,8-penta CDD	0.5
2,3,7,8-hexa CDDs	0.1

2,3,7,8-hepta CDD	0.01
octa CDD	0.001
2,3,7,8 tetra CDF	0.1
1,2,3,7,8 penta CDF	0.05
2,3,4,7,8 penta CDF	0.5
2,3,7,8 hexa CDFs	0.1
2,3,7,8 hepta CDFs	0.01
octa CDF	0.001

Toxicity Reduction Evaluation (TRE)

TRE is a study conducted in a stepwise 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.)

Turbidity

A measure of the amount of suspended particles (e.g. algae, sediment, organic matter, etc.) in water. Suspended particles diffuse sunlight, absorb heat, clog fish gills, foul gravel substrates in waterbodies, and may carry pathogens and pollutants. Turbidity caused by suspended sediment can be an indicator of erosion. Turbidity is generally reported in nephelometric turbidity units (NTUs).

Water Reclamation

The treatment of wastewater to render it suitable for reuse, the transportation of treated wastewater to the place of use, and the actual use of treated wastewater for a direct beneficial use or controlled use that would not otherwise occur.

ATTACHMENT B – NOTICE OF INTENT

**TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT FOR DISCHARGES FROM AQUACULTURE FACILITIES AND
AQUARIUMS (NPDES PERMIT NO. CAG993003, WDR ORDER NO. R3-2023-0013)**

<u>MARK ONLY ONE ITEM</u>	<input type="checkbox"/> <u>Existing Discharger</u> <input type="checkbox"/> <u>New Discharger</u> <input type="checkbox"/> <u>Change of information*</u> <input type="checkbox"/> <u>Change of ownership or responsibility*</u>
<u>*WDID # (If applicable)</u>	

I. FACILITY/SITE INFORMATION

<u>Facility Name</u>	
<u>Street Address</u>	
<u>City</u>	
<u>State</u>	
<u>Zip</u>	
<u>Contact Person</u>	
<u>Phone</u>	
<u>Email Address</u>	
<u>FAX</u>	

II. OWNER/OPERATOR (if additional owners/operators are involved, provide the information in a supplemental page)

Name	
Operator type (Select one)	<input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Special District <input type="checkbox"/> Government Combination <input type="checkbox"/> Private
Mail Address	
City	
State	
Zip	
Phone	

Contact Person	
Contact Person Type (Select one)	<input type="checkbox"/> Owner <input type="checkbox"/> Operator

	<input type="checkbox"/> Owner/Operator
Email Address	
FAX	

III. BILLING ADDRESS (Enter information only if different from II - above)

Send to (Select one)	<input type="checkbox"/> Owner/Operator <input type="checkbox"/> Other (Enter information below)
----------------------	---

Name	
Mailing Address	
City	
State	
Zip	

IV. DISCHARGE INFORMATION

Flow volume (GPD)	
Flow rate (GPM)	
Frequency of discharge	
Duration of discharge	

Description of discharge and constituents (add additional pages as necessary)	
Describe Source of Discharge and attach a diagram facility)	

Discharge location (Address)	
Township	
Range	
Section	
Latitude	
Longitude	
Attach a map showing the discharge site, receiving waters, other nearby surface waters, nearby wells & residences, treatment system, etc.	

V. RECEIVING WATER INFORMATION

Does your facility discharge to (Check all that apply)	<input type="checkbox"/> Directly to the waters of U.S. (e.g., river, lake, creek, ocean)? <input type="checkbox"/> Directly into a water body that has a pollution budget or Total Maximum Daily Load (TMDL)? <input type="checkbox"/> Directly into an area of special biological significance or marine protected area? <input type="checkbox"/> Indirectly to waters of U.S.? <input type="checkbox"/> Storm drain system*
---	---

Name of storm drain owner (if applicable)	
*Please attach written permission from storm drain owner	
Name of closest receiving water	
TMDL list (if applicable)	

VI. LAND DISPOSAL/RECLAMATION

The Water Quality Control Plan encourages reuse/reclamation or land disposal of wastewater where practical. You must evaluate and rule out this alternative prior to any discharge to surface water under this general permit.

Is land disposal/reclamation feasible?	<input type="checkbox"/> Yes
	<input type="checkbox"/> No
Explanation may be attached as a separate sheet	

VII. VERIFICATION

Have you verified that the proposed discharge will not violate prohibition or orders?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you notified Monterey Bay National Marine Sanctuary (MBNMS) of a potential discharge within the boundaries of the Sanctuary? MBNMS can be reached via email at mbnms.permits@noaa.gov .	<input type="checkbox"/> Yes (If yes, please attach proof of notification and any correspondence.) <input type="checkbox"/> No

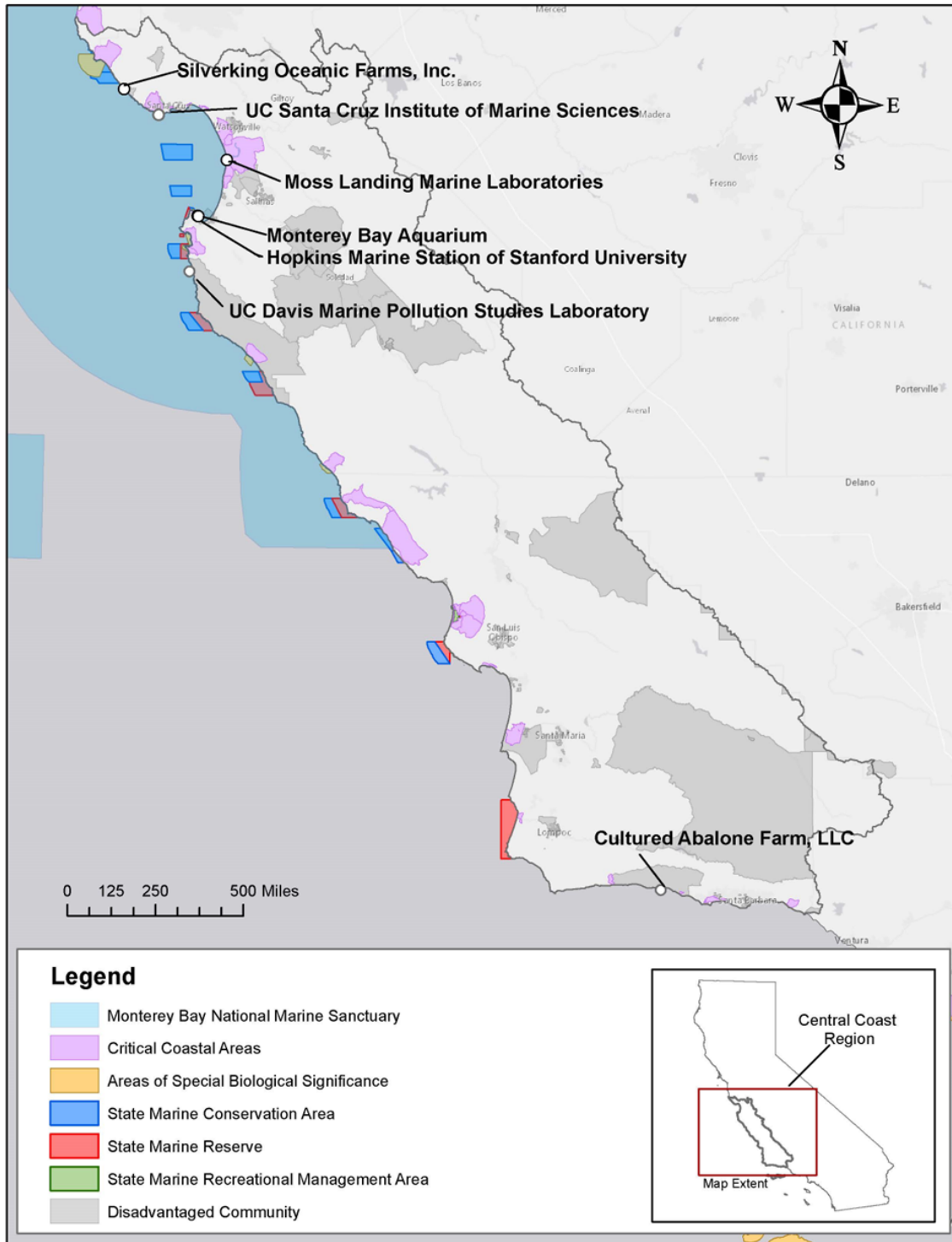
VIII. FEES

A check payable to the State Water Resources Control Board in the amount appropriate for a discharge must be submitted. Applicants should contact the Water Board for the current fee.

IX. CERTIFICATIONS

<p>"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to ensure 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." In addition, I certify that the provisions of the permit and the Monitoring Program, will be complied with.</p>	
Printed Name	
Signature	
Date	

ATTACHMENT C – DISCHARGE LOCATIONS



ATTACHMENT D – STANDARD PROVISIONS

1. STANDARD PROVISIONS – PERMIT COMPLIANCE

1.1. Duty to Comply

- 1.1.1. The Discharger must comply with all terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code, §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)
- 1.1.2. The Discharger must comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

1.2. Need to Halt or Reduce Activity Not a Defense

It must 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 C.F.R. § 122.41(c).)

1.3. Duty to Mitigate

The Discharger must take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

1.4. Proper Operation and Maintenance

The Discharger must 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 Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also include 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 C.F.R. § 122.41(e).)

1.5. Property Rights

- 1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

- 1.5.2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

1.6. Inspection and Entry

The Discharger must allow the Central Coast Water Board, State Water Board, U.S. 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 (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i); Wat. Code, §§ 13267, 13383):

- 1.6.1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(i); 40 C.F.R. § 122.41(i)(1); Wat. Code, §§ 13267, 13383);
- 1.6.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(2); Wat. Code, §§ 13267, 13383);
- 1.6.3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and
- 1.6.4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

1.7. Bypass

1.7.1. Definitions

- 1.7.1.1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)
- 1.7.1.2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

- 1.7.2. **Bypass not exceeding limitations.** The Discharger 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 1.7.3, 1.7.4, and 1.7.5 below. (40 C.F.R. § 122.41(m)(2).)

1.7.3. **Prohibition of bypass.** Bypass is prohibited, and the Central Coast Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

- 1.7.3.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));
 - 1.7.3.2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and
 - 1.7.3.3. The Discharger submitted notice to the Central Coast Water Board as required under Standard Provisions – Permit Compliance 1.7.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)
- 1.7.4. The Central Coast Water Board may approve an anticipated bypass, after considering its adverse effects, if the Central Coast Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance 1.7.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

1.7.5. **Notice**

- 1.7.5.1. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass. The notice must be sent to the Central Coast Water Board. As of December 21, 2023, notice must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices must comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)
- 1.7.5.2. **Unanticipated bypass.** The Discharger must submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting 5.5 below (24-hour notice). The notice must be sent to the Central Coast Water Board. As of December 21, 2023, notice must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices must comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(ii).)

1.8. **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. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

- 1.8.1. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance 1.8.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)
- 1.8.2. **Conditions necessary for a demonstration of upset.** A Discharger who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):
- 1.8.2.1. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
- 1.8.2.2. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));
- 1.8.2.3. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting 5.5.2.2 below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and
- 1.8.2.4. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance 1.3 above. (40 C.F.R. § 122.41(n)(3)(iv).)
- 1.8.3. **Burden of proof.** In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

2. STANDARD PROVISIONS – PERMIT ACTION

2.1. General

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

2.2. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

2.3. Transfers

This Order is not transferable to any person except after notice to the Central Coast Water Board. The Central Coast Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. §§ 122.41(l)(3), 122.61.)

3. STANDARD PROVISIONS – MONITORING

- 3.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)
- 3.2. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or as required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:
 - 3.2.1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
 - 3.2.2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N for the measured pollutant or pollutant parameter. In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3), 122.41(j)(4), 122.44(l)(1)(iv).)

4. STANDARD PROVISIONS – RECORDS

- 4.1. The Discharger must 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 Central Coast Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)
- 4.2. Records of monitoring information must include:**
 - 4.2.1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
 - 4.2.2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
 - 4.2.3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
 - 4.2.4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));

- 4.2.5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
- 4.2.6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

4.3. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

- 4.3.1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
- 4.3.2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

5. STANDARD PROVISIONS – REPORTING

5.1. Duty to Provide Information

The Discharger must furnish to the Central Coast Water Board, State Water Board, or USEPA within a reasonable time, any information which the Central Coast 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 Discharger must also furnish to the Central Coast Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

5.2. Signatory and Certification Requirements

- 5.2.1. All applications, reports, or information submitted to the Central Coast Water Board, State Water Board, and/or USEPA must be signed and certified in accordance with Standard Provisions – Reporting 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6 below. (40 C.F.R. § 122.41(k).)
- 5.2.2. All permit applications must be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 C.F.R. § 122.22(a)(3).)
- 5.2.3. All reports required by this Order and other information requested by the Central Coast Water Board, State Water Board, or USEPA must be signed by a person described in Standard Provisions – Reporting 5.2.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 5.2.3.1. The authorization is made in writing by a person described in Standard Provisions – Reporting 5.2.2 above (40 C.F.R. § 122.22(b)(1));
 - 5.2.3.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field,

- superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
- 5.2.3.3. The written authorization is submitted to the Central Coast Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)
- 5.2.4. If an authorization under Standard Provisions – Reporting 5.2.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting 5.2.3 above must be submitted to the Central Coast Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
- 5.2.5. Any person signing a document under Standard Provisions – Reporting 5.2.2 or 5.2.3 above must make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. § 122.22(d).)
- 5.2.6. Any person providing the electronic signature for documents described in Standard Provisions – 5.2.1, 5.2.2, or 5.2.3 that are submitted electronically must meet all relevant requirements of Standard Provisions – Reporting 5.2, and must ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R. § 122.22(e).)

5.3. Monitoring Reports

- 5.3.1. Monitoring results must be reported at the intervals specified in the Monitoring and Reporting Program (Attachment F) in this Order. (40 C.F.R. § 122.41(l)(4).)
- 5.3.2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Central Coast Water Board or State Water Board. All reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)
- 5.3.3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter

1, subchapter N, the results of such monitoring must be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Central Coast Water Board or State Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

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

5.4. 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, must be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

5.5. Twenty-Four Hour Reporting

- 5.5.1. The Discharger must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report must also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report must 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.

For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2023, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Central Coast Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 The reports must comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

- 5.5.2. The following must be included as information that must be reported within 24 hours:

- 5.5.2.1. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

5.5.2.2. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

5.5.3. The Central Coast Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

5.6. Planned Changes

The Discharger must give notice to the Central Coast 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 C.F.R. § 122.41(l)(1)):

5.6.1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

5.6.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)

5.7. Anticipated Noncompliance

The Discharger must give advance notice to the Central Coast Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

5.8. Other Noncompliance

The Discharger must report all instances of noncompliance not reported under Standard Provisions – Reporting 5.3, 5.4, and 5.5 above at the time monitoring reports are submitted. The reports must contain the information listed in Standard Provision – Reporting 5.5 above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must contain the information described in Standard Provision – Reporting 5.5 and the applicable required data in appendix A to 40 C.F.R. part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(7).)

5.9 Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Central Coast Water Board, State Water Board, or USEPA, the Discharger must promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

5.10. Initial Recipient for Electronic Reporting Data

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part

127 to the initial recipient defined in 40 C.F.R. section 127.2(b). USEPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. section 127.2(c)]. USEPA will update and maintain this listing. (40 C.F.R. § 122.41(l)(9).)

6. STANDARD PROVISIONS – ENFORCEMENT

6.1. The Central Coast Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

7. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

7.1. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers must notify the Central Coast Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

7.1.1. 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 C.F.R. § 122.42(a)(1)):

7.1.1.1. 100 micrograms per liter ($\mu\text{g/L}$) (40 C.F.R. § 122.42(a)(1)(i));

7.1.1.2. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4 dinitrophenol and 2 methyl 4,6 dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));

7.1.1.3. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or

7.1.1.4. The level established by the Central Coast Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)

7.1.2. 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 C.F.R. § 122.42(a)(2)):

7.1.2.1. 500 micrograms per liter ($\mu\text{g/L}$) (40 C.F.R. § 122.42(a)(2)(i));

7.1.2.2. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));

7.1.2.3. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or

7.1.2.4. The level established by the Central Coast Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

7.2. Publicly Owned Treatment Works (POTWs)

All POTWs must provide adequate notice to the Central Coast Water Board of the following (40 C.F.R. § 122.42(b)):

- 7.2.1. 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 C.F.R. § 122.42(b)(1)); and
- 7.2.2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. (40 C.F.R. § 122.42(b)(2).)
- 7.2.3. Adequate notice must include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

8. CENTRAL COAST WATER BOARD STANDARD PROVISIONS

8.1. Central Coast Water Board Standard Provisions – Prohibitions

- 8.1.1. Introduction of “incompatible wastes” to the treatment system is prohibited.
- 8.1.2. Discharge of high-level radiological waste and of radiological, chemical, and biological warfare agents is prohibited.
- 8.1.3. Discharge of “toxic pollutants” in violation of effluent standards and prohibitions established under section 307(a) of the Clean Water Act (CWA) is prohibited.
- 8.1.4. Discharge of sludge, sludge digester or thickener supernatant, and sludge drying bed leachate to drainageways, surface waters, or the ocean is prohibited.
- 8.1.5. Introduction of pollutants into the collection, treatment, or disposal system by and “indirect discharger” that:
 - 8.1.5.1. Inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or,
 - 8.1.5.2. Flow through the system to the receiving water untreated; and,
 - 8.1.5.3. Cause or “significantly contribute” to a violation of any requirement of this Order, is prohibited.
- 8.1.6. Introduction of “pollutant free” wastewater to the collection, treatment, and disposal system in amounts that threaten compliance with this order is prohibited.

8.2. Central Coast Water Board Standard Provisions – Provisions

- 8.2.1. Collection, treatment, and discharge of waste must not create a nuisance or pollution, as defined by California Water Code (CWC) section 13050.

- 8.2.2. All facilities used for transport or treatment of wastes must be adequately protected from inundation and washout as the result of a 100-year frequency flood.
- 8.2.3. Operation of collection, treatment, and disposal systems must be in a manner that precludes public contact with wastewater.
- 8.2.4. Collected screenings, sludges, and other solids removed from liquid wastes must be disposed in a manner approved by the Central Coast Water Board Executive Officer.
- 8.2.5. Publicly owned wastewater treatment plants must be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23 of the California Administrative Code.
- 8.2.6. After notice and opportunity for a hearing, this order may be terminated for cause, including, but not limited to:
 - 8.2.6.1. Violation of any term or condition contained in this order;
 - 8.2.6.2. Obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts;
 - 8.2.6.3. A change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,
 - 8.2.6.4. A substantial change in character, location, or volume of the discharge.
- 8.2.7. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit must not be affected.
- 8.2.8. After notice and opportunity for hearing, this order may be modified or revoked and reissued for cause, including:
 - 8.2.8.1. Promulgation of a new or revised effluent standard or limitation;
 - 8.2.8.2. A material change in character, location, or volume of the discharge;
 - 8.2.8.3. Access to new information that affects the terms of the permit, including applicable schedules;
 - 8.2.8.4. Correction of technical mistakes or mistaken interpretations of law; and,
 - 8.2.8.5. Other causes set forth under Sub-part D of 40 C.F.R. part 122.
- 8.2.9. Safeguards must be provided to ensure maximal compliance with all terms and conditions of this permit. Safeguards must include preventative and contingency plans and may also include alternative power sources, stand-by generators, retention capacity, operative procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges must:

- 8.2.9.1. Identify possible situations that could cause “upset,” “overflow,” or “bypass,” or other noncompliance. (Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered).
- 8.2.9.2. Evaluate the effectiveness of present facilities and procedures and describe procedures and steps to minimize or correct any adverse environmental impact resulting from noncompliance with the permit.
- 8.2.10. Physical facilities must be designed and constructed according to accepted engineering practice and must be capable of full compliance with this order when properly operated and maintained. Proper operation and maintenance must be described in an Operation and Maintenance Manual. Facilities must be accessible during the wet-weather season.
- 8.2.11. The discharger must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the conditions of this order. Electrical and mechanical equipment must be maintained in accordance with appropriate practices and standards, such as NFPA 70B, Recommended Practice for Electrical Equipment Maintenance; NFPA 70E, Standard for Electrical Safety in the Workplace; ANSI/NETA MTS Standard for Maintenance: Testing Specifications for Electrical Power Equipment and Systems, or procedures established by insurance companies or industry resources.
- 8.2.12. If the discharger’s facilities are equipped with SCADA or other systems that implement wireless, remote operation, the discharger should implement appropriate safeguards against unauthorized access to the wireless systems. Standards such as NIST SP 800-53, Recommended Security Controls for Federal Information Systems, can provide guidance.
- 8.2.13. Production and use of reclaimed water is subject to the approval of the Central Coast Water Board. Production and use of reclaimed water must be in conformance with recycling criteria established in chapter 3, title 22, of the California Administrative Code and chapter 7, division 7, of the CWC. An engineering report pursuant to section 60323, title 22, of the California Administrative Code is required and a waiver or water recycling requirements from the Central Coast Water Board is required before reclaimed water is supplied for any use, or to any user, not specifically identified and approved either in this Order or another order issued by the Central Coast Water Board.

8.3. Central Coast Water Board Standard Provisions – General Monitoring Requirements

- 8.3.1. If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling must be increased to validate the test within the next monitoring period. The increased frequency must be maintained until the Central

Coast Water Board Executive Officer agrees the original monitoring frequency may be resumed.

For example, if copper is monitored annually and results exceed the six-month median numerical effluent limitation in the permit, monitoring of copper must be increased to a frequency of at least once every two months (Central Coast Water Board Standard Provisions – Definitions 1.7.13.). If suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week (Central Coast Water Board Standard Provisions – Definitions 1.7.14.).

- 8.3.2. Water quality analyses performed in order to monitor compliance with this permit must be by a laboratory certified by the State Water Board Division of Drinking Water for the constituent(s) being analyzed. Bioassay(s) performed in order to monitor compliance with this permit must be in accord with guidelines approved by the State Water Resources Control Board (State Water Board) and the State Department of Fish and Game. If the laboratory used or proposed for use by the discharger is not certified by the Division of Drinking Water or, where appropriate, the Department of Fish and Game due to restrictions in the State's laboratory certification program, the discharger must be considered in compliance with this provision provided:
 - 8.3.2.1. Data results remain consistent with results of samples analyzed by the Central Coast Water Board;
 - 8.3.2.2. A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Central Coast Water Board; and,
 - 8.3.2.3. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
- 8.3.3. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity. Samples must be taken during periods of peak loading conditions. Influent samples must be samples collected from the combined flows of all incoming wastes, excluding recycled wastes. Effluent samples must be samples collected downstream of the last treatment unit and tributary flow and upstream of any mixing with receiving waters.
- 8.3.4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program must be properly maintained and calibrated as necessary to ensure their continued accuracy.

8.4. Central Coast Water Board Standard Provisions – General Reporting Requirements

- 8.4.1. Reports of marine monitoring surveys conducted to meet receiving water monitoring requirements of the Monitoring and Reporting Program must include at least the following information:
 - 8.4.1.1. A description of climatic and receiving water characteristics at the time of sampling (weather observations, floating debris, discoloration, wind speed and direction, swell or wave action, time of sampling, tide height, etc.).
 - 8.4.1.2. A description of sampling stations, including differences unique to each station (e.g., station location, grain size, rocks, shell litter, calcareous worm tubes, evident life, etc.).
 - 8.4.1.3. A description of the sampling procedures and preservation sequence used in the survey.
 - 8.4.1.4. A description of the exact method used for laboratory analysis. In general, analysis must be conducted according to Central Coast Water Board Standard Provisions – 8.3.1 above, and Federal Standard Provision – Monitoring 3.2. However, variations in procedure are acceptable to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.
 - 8.4.1.5. A brief discussion of the results of the survey. The discussion must compare data from the control station with data from the outfall stations. All tabulations and computations must be explained.
- 8.4.2. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule must be submitted within 14 days following each scheduled date unless otherwise specified within the permit. If reporting noncompliance, the report must include a description of the reason, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance. A second report must be submitted within 14 days of full compliance.
- 8.4.3. The Discharger must file a report of waste discharge or secure a waiver from the Central Coast Water Board Executive Officer at least 180 days before making any material change or proposed change in the character, location, or plume of the discharge.
- 8.4.4. Within 120 days after the discharger discovers, or is notified by the Central Coast Water Board, that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within four (4) years, the discharger must file a written report with the Central Coast Water Board. The report must include:

- 8.4.4.1. the best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity; and,
- 8.4.4.2. a schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with Federal Standard Provision – Reporting 5.2., the required technical report must be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities.

- 8.4.5. All Dischargers must submit reports electronically to the:

State Water Board's California Integrated Water Quality System (CIWQS) database at [CIWQS \(http://ciwqs.waterboards.ca.gov/\)](http://ciwqs.waterboards.ca.gov/).

In addition, Dischargers with designated major discharges must submit a copy of each document to USEPA, Region 9's Discharge Monitoring Report (NetDMR) database at [NetDMR \(http://cdx.epa.gov\)](http://cdx.epa.gov).

Other correspondence may be sent to the Central Coast Region at: centralcoast@waterboards.ca.gov.

- 8.4.6. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Central Coast Water Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing Discharger and proposed Discharger containing specific date for transfer of responsibility, coverage, and liability between them. Whether a permit may be transferred without modification or revocation and reissuance is at the discretion of the Board. If permit modification or revocation and reissuance is necessary, transfer may be delayed 180 days after the Central Coast Water Board's receipt of a complete permit application. Please also see Federal Standard Provision – Permit Action 2.3.
- 8.4.7. Except for data determined to be confidential under CWA section 308 (excludes effluent data and permit applications), all reports prepared in accordance with this permit must be available for public inspection at the office of the Central Coast Water Board or Regional Administrator of USEPA. Please also see Federal Standard Provision – Records 4.3.
- 8.4.8. By February 1 of each year, the discharger must submit an annual report to the Central Coast Water Board and MBNMS at mbnms.permits@noaa.gov (if discharging to the Sanctuary). The report must contain the following:
 - 8.4.8.1. Both tabular and graphical summaries of the monitoring data obtained during the previous year.

- 8.4.8.2. A discussion of the previous year's compliance record and corrective actions taken, or which may be needed, to bring the discharger into full compliance.
- 8.4.8.3. An evaluation of wastewater flows with projected flow rate increases over time and the estimated date when flows will reach facility capacity.
- 8.4.8.4. A discussion of operator certification and a list of current operating personnel and their grades of certification.
- 8.4.8.5. The date of the facility's Operation and Maintenance Manual (including contingency plans as described in Central Coast Water Board Standard Provisions – 8.2.9), the date the manual was last reviewed, and whether the manual is complete and valid for the current facility.
- 8.4.8.6. A discussion of the laboratories used by the discharger to monitor compliance with effluent limits and a summary of performance relative to Central Coast Water Board Standard Provisions – General Monitoring Requirements 8.3.
- 8.4.8.7. If the facility treats industrial or domestic wastewater and there is no provision for periodic sludge monitoring in the Monitoring and Reporting Program, the report must include a summary of sludge quantities, analyses of its chemical and moisture content, and its ultimate destination.
- 8.4.8.8. If appropriate, the report must also evaluate the effectiveness of the local source control or pretreatment program using the State Water Board's "Guidelines for Determining the Effectiveness of Local Pretreatment Program."

8.5. Central Coast Water Board Standard Provisions – General Pretreatment Provisions

- 8.5.1. Discharge of pollutants by "indirect dischargers" in specific industrial sub-categories (appendix C, 40 C.F.R. part 403), where categorical pretreatment standards have been established, or are to be established, (according to 40 C.F.R. chapter 1, subchapter N), must comply with the appropriate pretreatment standards:
 - 8.5.1.1. By the date specified therein;
 - 8.5.1.2. Within three (3) years of the effective date specified therein, but in no case later than July 1, 1984; or,
 - 8.5.1.3. If a new indirect discharger, upon commencement of discharge.

8.6. Central Coast Water Board Standard Provisions – Enforcement

- 8.6.1. Any person failing to file a report of waste discharge or other report as required by this permit must be subject to a civil penalty not to exceed \$5,000 per day.
- 8.6.2. Upon reduction, loss, or failure of the treatment facility, the Discharger must, to the extent necessary to maintain compliance with this permit, control production

or all discharges, or both, until the facility is restored or an alternative method of treatment is provided.

8.7. Central Coast Water Board Standard Provisions – Definitions (Not otherwise included in Attachment A to this Order)

- 8.7.1. A "composite sample" is a combination of no fewer than eight (8) individual samples obtained at equal time intervals (usually hourly) over the specified sampling (composite) period. The volume of each individual sample is proportional to the flow rate at the time of sampling. The period must be specified in the Monitoring and Reporting Program ordered by the Central Coast Water Board Executive Officer.
- 8.7.2. "Daily Maximum" limit means the maximum acceptable concentration or mass emission rate of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling. It is normally compared with results based on "composite samples" except for ammonia, total chlorine, phenolic compounds, and toxicity concentration. For all exceptions, comparisons will be made with results from a "grab sample".
- 8.7.3. "Discharger", as used herein, means, as appropriate: (1) the Discharger, (2) the local sewerage entity (when the collection system is not owned and operated by the Discharger), or (3) "indirect discharger" (where Discharger appears in the same paragraph as "indirect discharger", it refers to the discharger.)
- 8.7.4. "Duly Authorized Representative" is one where:
- 8.7.4.1. the authorization is made in writing by a person described in the signatory paragraph of Federal Standard Provision 5.2.;
- 8.7.4.2. the authorization specifies either an individual or the occupant of a position having either responsibility for the overall operation of the regulated facility, such as the plant manager, or overall responsibility for environmental matters of the company; and,
- 8.7.4.3. the written authorization was submitted to the Central Coast Water Board.
- 8.7.5. A "grab sample" is defined as any individual sample collected in less than 15 minutes. "Grab samples" must be collected during peak loading conditions, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with the daily maximum limits identified in Central Coast Water Board Standard Provision – 8.7.2. and instantaneous maximum limits.
- 8.7.6. "Hazardous substance" means any substance designated under 40 C.F.R. part 116 pursuant to section 311 of the Clean Water Act.
- 8.7.7. "Incompatible wastes" are:
- 8.7.7.1. Wastes which create a fire or explosion hazard in the treatment works;

- 8.7.7.2. Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes;
- 8.7.7.3. Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation of treatment works;
- 8.7.7.4. Any waste, including oxygen demanding pollutants (BOD, etc.), released in such volume or strength as to cause inhibition or disruption in the treatment works and subsequent treatment process upset and loss of treatment efficiency; and,
- 8.7.7.5. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.
- 8.7.8. "Indirect Discharger" means a non-domestic discharger introducing pollutants into a publicly owned treatment and disposal system.
- 8.7.9. "Log Mean" is the geometric mean. Used for determining compliance of fecal or total coliform populations, it is calculated with the following equation:
$$\text{Log Mean} = (C_1 \times C_2 \times \dots \times C_n)^{1/n},$$
in which "n" is the number of days samples were analyzed during the period and any "C" is the concentration of bacteria (MPN/100 mL) found on each day of sampling. "n" should be five or more.
- 8.7.10. "Mass emission rate" is a daily rate defined by the following equations:
mass emission rate (lbs/day) = 8.34 x Q x C; and,
where "C" (in mg/L) is the measured daily constituent concentration or the average of measured daily constituent concentrations and "Q" (in MGD) is the measured daily flowrate or the average of measured daily flow rates over the period of interest.
- 8.7.11. The "Maximum Allowable Mass Emission Rate," whether for a month, week, day, or six-month period, is a daily rate determined with the formulas in Central Coast Water Board Standard Provision – Provision 8.7.10, above, using the effluent concentration limit specified in the permit for the period and the average of measured daily flows (up to the allowable flow) over the period.
- 8.7.12. "Maximum Allowable Six-Month Median Mass Emission Rate" is a daily rate determined with the formulas in Central Coast Water Board Standard Provision – Provision 8.7.10, above, using the "six-month Median" effluent limit specified in the permit, and the average of measured daily flows (up to the allowable flow) over a 180-day period.

- 8.7.13. "Median" is the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values.
- 8.7.14. "Monthly Average" (or "Weekly Average", as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

$$\text{Average} = (X1 + X2 + \dots + Xn) / n$$

in which "n" is the number of days samples were analyzed during the period and "X" is either the constituent concentration (mg/l) or mass emission rate (lbs/day) for each sampled day. "n" should be four or greater.

- 8.7.15. "Municipality" means a city, town, borough, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial waste, or other waste.
- 8.7.16. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities.
- 8.7.17. "Pollutant-free wastewater" means inflow and infiltration, stormwaters, and cooling waters and condensates which are essentially free of pollutants.
- 8.7.18. "Primary Industry Category" means any industry category listed in 40 C.F.R. part 122, Appendix A.
- 8.7.19. "Removal Efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant must be determined using "Monthly averages" of pollutant concentrations (C, in mg/l) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

$$\text{Ceffluent Removal Efficiency (\%)} = 100 \times (1 - \text{Ceffluent} / \text{Cinfluent})$$

- 8.7.20. "Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss to natural resources which can reasonably be expected to occur in the absence of a "bypass". It does not mean economic loss caused by delays in production.
- 8.7.21. "Sludge" means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.
- 8.7.22. To "significantly contribute" to a permit violation means an "indirect discharger" must:
- 8.7.22.1. Discharge a daily pollutant loading in excess of that allowed by contract with the Discharger or by Federal, State, or Local law;

- 8.7.22.2. Discharge wastewater which substantially differs in nature or constituents from its average discharge;
- 8.7.22.3. Discharge pollutants, either alone or in conjunction with discharges from other sources, which results in a permit violation or prevents sewage sludge use or disposal; or
- 8.7.22.4. Discharge pollutants, either alone or in conjunction with pollutants from other sources that increase the magnitude or duration of permit violations.
- 8.7.23. "Toxic Pollutant" means any pollutant listed as toxic under Section 307 (a) (1) of the Clean Water Act or under 40 C.F.R. part 122, Appendix D. Violation of maximum daily discharge limitations are subject to 24-hour reporting (Federal Standard Provisions 5.5.).
- 8.7.24. "Zone of Initial Dilution" means the region surrounding or adjacent to the end of an outfall pipe or diffuser ports whose boundaries are defined through calculation of a plume model verified by the State Water Board.

ATTACHMENT E - MONITORING AND REPORTING PROGRAM CONTENTS

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Clean Water Act (CWA) sections 308 and 122.41(h), (j)-(l), 122.44(i), and title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.48 require that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code section 13383 also authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. Pursuant to this authority, this monitoring and reporting program (MRP) establishes conditions for the enrolled Discharger to conduct monitoring, reporting, and recordkeeping. The MRP requires the Discharger to report the results to the Central Coast Water Board with information necessary to evaluate discharge characteristics and compliance status. While the Central Coast Water Board is not required to consider MRP costs, it recognizes that monitoring and reporting costs can be a significant burden. Central Coast Water Board staff estimates that the burden and cost of compliance with this monitoring and reporting program (MRP No. R3-2023-0013) may range from \$15,000 to \$18,000 per year. The Central Coast Water Board has prepared this MRP such that it reduces and eliminates unnecessary or overlapping monitoring and reporting requirements where appropriate.

Hopkins Marine Station of Stanford University and Monterey Bay Aquarium must implement Attachment A in Resolutions No. 2011-0050 and No. 2011-0051¹⁰, respectively, as modified Monitoring and Reporting Programs in place of the MRP found in this Attachment E of R3-2023-0013. A Discharger's estimate indicated that the burden and cost of compliance with the MRP Attachment A in Resolutions No. 2011-0050 and No. 2011-0051 for ongoing data collection and reporting is approximately \$68,000 per year.

The MRPs are reasonable given the needs and benefits of the reports.

Discharges regulated under the *General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges from Aquaculture Facilities and Aquariums* shall be subject to the following requirements unless such requirements are modified. More-frequent monitoring or reporting may be added by the Executive Officer if needed to adequately ensure compliance with the general permit. This monitoring and reporting program (MRP No. R3-2023-0013) may be revised to require more-frequent monitoring or reporting, as necessary, by the Executive Officer.

¹⁰ State Water Board Resolutions Nos. 2011-0050 and 2011-0051 and associated documents can be accessed online at:
https://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.html

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

1. GENERAL MONITORING PROVISIONS

- 1.1. Laboratories analyzing monitoring samples must be certified by the State Water Board Division of Drinking Water Environmental Laboratory Accreditation Program, in accordance with the provision of Water Code section 13176 and must include quality assurance/quality control data with their reports.¹¹
- 1.2. Samples and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring locations specified in this MRP and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations must not be changed without notification to and approval of the Central Coast Water Board.
- 1.3. Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references.
 - 1.3.1. *A Guide to Methods and Standards for the Measurement of Water Flow*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 96 pp.

<http://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication421.pdf>

¹¹ Certain field tests including color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual are exempt from accreditation requirements under [Water Code § 13176\(a\)\(2\)](#).

- 1.3.2. *Water Measurement Manual*, U.S. Department of Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001, 317 pp.
(<https://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm>)
- 1.3.3. *Flow Measurement in Open Channels and Closed Conduits*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp.
(<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication484v2.pdf>)
- 1.3.4. NPDES Compliance Inspection Manual, Chapter 6 – Flow Measurement, U.S. Environmental Protection Agency (USEPA), Office of Water Enforcement, Publication Number 305-K-17-001, January 2017, 918 pp.
(<https://www.epa.gov/compliance/compliance-inspection-manual-national-pollutant-discharge-elimination-system>)
- 1.4. All monitoring instruments and devices used by Discharger to fulfill the prescribed monitoring program must be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices must be calibrated at least once per year to ensure continued accuracy of the devices.
- 1.5. Monitoring results, including noncompliance, must be reported at intervals and in a manner specified in this MRP.
- 1.6. Unless otherwise specified by this MRP, all monitoring must be conducted according to test procedures established at 40 C.F.R. part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. All analyses must be conducted using the lowest practical quantitation limit achievable using the specified methodology. Where effluent limitations are set below the lowest achievable quantitation limits, pollutants not detected at the lowest practical quantitation limits will be considered in compliance with effluent limitations. Analysis for toxic pollutants specified in Table 3 of the California Ocean Plan must be conducted in accordance with procedures described in the California Ocean Plan and restated in this MRP.
- 1.7. The Discharger must ensure that the results of the Discharge Monitoring Report-Quality Assurance (DMR-QA) Study or the most recent Water Pollution Performance Evaluation Study are submitted annually to the State Water Board at the following address:

State Water Resources Control Board
Quality Assurance Program Officer
Office of Information Management and Analysis
101 I Street, Sacramento, CA 95814
- 1.8 Monitoring and sampling periods are defined as follows unless otherwise specified in this MRP:
 - 1.8.1 **Daily**: Midnight through 11:59 PM, or any 24-hour period that reasonably represents a calendar day for purposes of sampling.

1.8.2 **Weekly:** Sunday through Saturday (*Note: For weekly monitoring and sampling periods that start in one monthly reporting period but end in the next, the Discharger may report the weekly data in the monthly monitoring report containing the last day of the weekly period.*)

1.8.3 **Monthly:** First day of calendar month through last day of calendar month

1.8.4 **Quarterly:** First Quarter: January 1 through March 31; Second Quarter: April 1 through June 30; Third Quarter: July 1 through September 30; Fourth Quarter: October 1 through December 31.

1.8.5 **Semiannually:** First Half: January 1 through June 30; Second half: July 1 through December 31.

1.8.6 **Annually:** January 1 through December 31.

2. MONITORING LOCATIONS

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

Table E-1. Monitoring Station Locations for Discharges from Aquaculture Facilities and Aquariums

Monitoring Location Name	Monitoring Location Description
INF- 001	Source water monitoring stations shall be established for each significant water source prior to any physical or chemical adjustment, treatment, or other alteration, and prior to contact with aquatic organisms (e.g., seawater, fresh water, municipal supply) and shall be named INF-001, INF-002, INF-003, etc..
EFF-001	Location where a representative sample of the discharge can be obtained following all wastewater treatment steps and before contact with the receiving water. Effluent monitoring stations shall be established for each discreet point of discharge and shall be named EFF-001, EFF-002, EFF-003, etc.

Monitoring Location Name	Monitoring Location Description
RSW-001	100 feet upcoast or upstream from the point of discharge.
RSW-002	100 feet downcoast or downstream from the point of discharge.

3. INFLUENT MONITORING REQUIREMENTS – MONITORING LOCATIONS INF-001, INF-002, ETC.

Dischargers shall monitor source water to the facility at monitoring locations INF-001, INF-002, etc. in accordance with Table E-2. The minimum monitoring frequency for the parameters in Table E-2 is concurrently with effluent samples monitored for the same parameter.

Table E-2. Influent Monitoring Parameters

Parameter	Units	Sample Type
Total Suspended Solids (TSS)	mg/L	Grab
pH	s.u.	Grab
Turbidity	NTUs	Grab
Temperature	°F	Grab

4. EFFLUENT MONITORING REQUIREMENTS – MONITORING LOCATION EFF-001, EFF-002, ETC.

4.1 Minimum Level (ML) and Analytical Method Selection. USEPA published regulations for the Sufficiently Sensitive Methods Rule (SSM Rule) which became effective September 18, 2015. For the purposes of the NPDES program, when more than one test procedure is approved under 40 CFR part 136 for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv). Both 40 C.F.R sections 122.21(e)(3) and 122.44(i)(1)(iv) apply to the selection of a sufficiently sensitive analytical method for the purposes of monitoring and reporting under NPDES

permits, including review of permit applications. A USEPA-approved analytical method is sufficiently sensitive where:

- 4.1.1 The ML is at or below both the level of the applicable water quality criterion/objective and the permit limitation for the measured pollutant or pollutant parameter; or
 - 4.1.2 In permit applications, the ML is above the applicable water quality criterion/objective, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
 - 4.1.3 The method has the lowest ML of the USEPA-approved analytical methods where none of the USEPA-approved analytical methods for a pollutant can achieve the MLs necessary to assess the need for effluent limitations or to monitor compliance with a permit limitation.
 - 4.1.4 The MLs in SIP Appendix 4 remain applicable. However, there may be situations when analytical methods are published with MLs that are more sensitive than the MLs for analytical methods listed in the SIP. For instance, USEPA Method 1631E for mercury is not currently listed in SIP Appendix 4, but it is published with an ML of 0.5 ng/L that makes it a sufficiently sensitive analytical method. Similarly, USEPA Method 245.7 for mercury is published with an ML of 5 ng/L.
- 4.2 Monitoring Location EFF-001
- 4.2.1 The following shall constitute the effluent monitoring program barring modification of requirements by the Executive Officer. The Executive Officer may require additional effluent monitoring if needed to adequately ensure compliance with the permit.
 - 4.2.2 Dischargers shall monitor effluent at each point of discharge (monitoring locations EFF-001, EFF-002, etc.) in accordance with the following schedule.

Table E-3. Effluent Monitoring Parameters and Schedule

Parameter	Units	Sample Type	Minimum Sampling Frequency
Total Flow	MGD	Metered or Estimated	Weekly
Settleable Solids	mL/L/hr	Grab	Quarterly
TSS	mg/L	Grab	Quarterly
Turbidity	NTUs	Grab	Quarterly
pH	s.u.	Grab	Quarterly
Temperature	°F	Grab	Quarterly
Oil and Grease	mg/L	Grab	Quarterly
Chronic Toxicity ^{1,3}	TUc	Grab	As directed by Executive Officer
Ocean Plan Table 3 Pollutants ^{2,3} (Ocean Discharges Only)	µg/L	24-hr composite	Once every five years. (Sample must be taken within one year of the effective date of this permit.)
California Toxics Rule (CTR) Pollutants ^{3,4} (Inland Discharges Only)	µg/L	24-hr composite	Once every five years. (Sample must be taken within one year of the effective date of this permit.)
Title 22 Pollutants ^{3,5} (Inland Discharges Only)	µg/L	24-hr composite	Once every five years. (Sample must be taken within one year of the effective date of this permit.)

[1] Whole effluent chronic toxicity monitoring shall be conducted according to the requirements established in section 5. of this Monitoring and Reporting Program.

[2] Those pollutants identified in Table 3 of the Ocean Plan (2019). Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the Ocean Plan, including the standard monitoring procedures presented in Appendix III of the Ocean Plan. The Discharger shall instruct its analytical laboratory to establish calibration standards so that the Minimum Levels (MLs) presented in Appendix II of the Ocean Plan are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs,

which are below applicable water quality criteria of Table 3; and when applicable water quality criteria are below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.

- [3] To be conducted during use of drugs, disinfectants, or other chemicals in order to obtain representative samples of discharge during chemical use.
- [4] Those 126 pollutants with applicable water quality objectives established by the California Toxics Rule (CTR) at 40 C.F.R. 131.38. Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP). The Discharger shall instruct its analytical laboratory to establish calibration standards so that the Minimum Levels (MLs) presented in Appendix 4 of the SIP are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs which are below applicable water quality criteria of the CTR; and when applicable water quality criteria are below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.
- [5] Analytical methods shall adhere to the Detection Limits for Purposes of Reporting (DLRs) established by title 22 of the California Code of Regulations (CCR), division 4, chapter 15, section 64432 (inorganics) and section 64445.1 (organics). The title 22 pollutants are those pollutants for which the Department of Public Health has established maximum contaminant levels (MCLs) at title 22, division 4, chapter 15, sections 64431 (inorganic chemicals) and 64444 (organic chemicals) of the CCR. Where these pollutants are included in other groups of pollutants (CTR Priority Pollutants), monitoring does not need to be duplicated.

5. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

5.1 Discharges to Inland Surface Waters, Enclosed Bays, and Estuaries.

Acute and chronic toxicity testing requirements for inland surface waters, enclosed bays, and estuaries are established by the Section III.B.3 of the State Policy for Water Quality: Toxicity Provisions (2020).¹²

5.1.1. Chronic and Acute Freshwater Species and Test Methods

Based on reported chemical usage or other characterization of an authorized discharge or based on receiving water monitoring or any other relevant and available information, the Executive Officer may make a determination that an authorized discharge has a reasonable potential to cause or contribute to an exceedance of an applicable water quality criterion, including applicable water quality objectives for chronic toxicity, established by the Basin Plan or Ocean Plan. In such circumstances, the Executive Officer shall require a discharger to perform whole effluent chronic toxicity monitoring of the discharge. Dischargers shall perform whole effluent chronic toxicity monitoring, as described below, as directed by the Executive Officer.

Chronic aquatic toxicity tests shall be conducted using one or more of the test species in Table 1 of the Toxicity Provisions, selected by the Central Coast Regional Board in accordance with the Toxicity Provisions, and shall follow methods identified in the Code of Federal Regulations, title 40, part 136, or other USEPA-approved methods, or included in the following USEPA method manuals: Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013); Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition (EPA-821-R-02-014); and Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition (EPA-600-R-95-136).

Acute aquatic toxicity tests shall be conducted using one or more of the test species in Table 1 selected by the Central Coast Water Board in accordance with

¹² State Policy for Water Quality Control: Toxicity Provisions.

https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/2021/2021-state-policy-toxicity-provisions.pdf

the Toxicity Provisions, and shall follow methods identified in the Code of Federal Regulations, title 40, part 136, or other USEPA-approved methods, or included in Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition (EPA-821-R-02-012).

5.1.2 Most Sensitive Species

Dischargers shall choose the most-sensitive species that may be expected to live in the surface water body where effluent is being discharged into in accordance with the Toxicity Provisions and as specified below in the Species Sensitivity Screening section, and shall follow methods identified in the Code of Federal Regulations, title 40, part 136, or other U.S. EPA-approved methods, or included in the following U.S. EPA method manuals: Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013); Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition (EPA-821-R-02-014); and Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition (EPA-600-R-95-136).

5.1.3 Quality Assurance and Additional Requirements

Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual(s) previously referenced. Additional requirements are specified below.

5.1.4 Routine Monitoring Schedule

The discharger is required to conduct annual chronic toxicity testing. For purposes of chronic aquatic toxicity, the calendar month starts at the initiation of routine monitoring.

5.1.5 MMEL Compliance Tests

If a chronic or acute aquatic toxicity routine monitoring test results in a “fail” at the IWC, then the Discharger shall complete a maximum of two MMEL compliance tests. The MMEL compliance tests shall be initiated within the same calendar month that the first routine monitoring test was initiated that resulted in the “fail” at the IWC. If the first chronic MMEL compliance test results in a “fail” at the IWC, then the second MMEL compliance test is waived because the first chronic MMEL compliance test that results in a “fail” constitutes a violation and so the second MMEL compliance test is not required.

5.1.6 Reporting

The Self-Monitoring Report (SMR) shall include a full laboratory report for each toxicity test. This report shall be prepared using the format and content of the test methods manual chapter called Report Preparation, including:

- 5.1.6.1 The valid toxicity test results for the TST statistical approach, reported as “Pass” or “Fail” and “Percent Effect” at the chronic toxicity IWC for the discharge. All toxicity test results (whether identified as valid or otherwise) conducted during the calendar month shall be reported on the SMR due date specified in Tables E-2 through E-4
- 5.1.6.2 A summary of water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).
- 5.1.6.3 The statistical approach described in Section IV.B.1.c. of the Toxicity Provisions.
- 5.1.6.4 TRE/TIE results. The Executive Officer shall be notified no later than 30 days from completion of each aspect of TRE/TIE analyses. Prior to the completion of the final TIE/TRE report, the Permittee shall provide status updates in the monthly monitoring reports, indicating which TIE/TRE steps are underway and which steps have been completed.
- 5.1.6.5 Statistical program (e.g., TST calculator, CETIS, etc.) output results, including graphical plots, for each toxicity test.
- 5.1.6.6 Tabular data and graphical plots clearly showing the laboratory’s performance for the reference toxicant, for each solution, for the previous 20 tests and the laboratory’s performance for the control mean, control standard deviation, and control coefficient of variation, for each solution, for the previous 12-month period.
- 5.1.6.7 Any additional QA/QC documentation or any additional chronic toxicity-related information, upon request from the Regional Water Board Chief Deputy Executive Officer or the Executive Officer.

5.2 Discharges to Ocean Waters

- 5.2.1 **Chronic Toxicity Monitoring Methods** - The presence of chronic toxicity shall be estimated as specified in *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, EPA-821/600/R-95/136; *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, EPA-600-4-91-003; *Procedures Manual for Conducting Toxicity Tests* developed by the Marine Bioassay Project, SWRCB 1996, 96-1WQ; and/or *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, EPA/600/4-87-028 or subsequent editions.

Test species shall include a vertebrate, an invertebrate, and an aquatic plant. If additional testing is required or necessary after testing with three species, that subsequent monitoring may be conducted with the most sensitive species. Three

species screening phase chronic toxicity monitoring shall be conducted with the following species and approved test protocols.

Authorized dischargers shall conduct toxicity tests using effluent dilutions of 100%, 85%, 70%, 50%, and 25%. Dilution and control waters shall be obtained from an area of the receiving water, typically up current of the effluent discharge location(s), which is unaffected by the discharge. Standard dilution water can be used, if the receiving water itself exhibits toxicity or if approved by the Central Coast Water Board. If the dilution water used in testing is different from the water in which the test organisms were cultured, a second control sample using culture water shall be tested.

If the effluent to be discharged to a marine system (e.g., salinity values in excess of 1,000 mg/L) originates, entirely or in part, from a freshwater supply, salinity of the effluent must be increased with dry ocean salts (e.g., FORTY FATHOMS®) to match salinity of the receiving water. This modified effluent shall then be tested using marine species.

The sensitivity of test organisms to a reference toxicant shall be determined concurrently with each bioassay and reported with the test results.

Table E-4. Chronic Toxicity Test Methods

Species	Test	Tier ¹	Reference ²
Giant kelp, <i>Macrocystis pyrifera</i>	percent germination; germ tube length	1	a, c
Red abalone, <i>Haliotis rufescens</i>	Abnormal shell development	1	a, c
Oyster, <i>Crassostrea gigas</i> ; mussels, <i>Mytilus spp.</i>	abnormal shell development; percent survival	1	a, c
Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent normal development	1	a, c
Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent fertilization	1	a, c
Shrimp, <i>Homesimysis costata</i>	percent survival; growth	1	a, c
Shrimp, <i>Mysidopsis bahia</i>	percent survival; fecundity	2	b, d
Topsmelt, <i>Atherinops affinis</i>	larval growth rate; percent survival	1	a, c

Silverside, <i>Menidia beryllina</i>	larval growth rate; percent survival	2	b, d
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- 1 First-tier methods are preferred for compliance monitoring. If first-tier organisms are not available, the Discharger can use a second-tier test method following approval by the Central Coast Water Board.
- 2 Protocol References:
 - a. Chapman, G.A., D.L. Denton, and J.M. Lazorchak. 1995. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms. USEPA Report No. EPA/600/R-95/136.
 - b. Klemm, D.J., G.E. Morrison, T.J. Norberg-King, W.J. Peltier, and M.A. Heber. 1994. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms. USEPA Report No. EPA-600-4-91-003.
 - c. SWRCB 1996. Procedures Manual for Conducting Toxicity Tests Developed by the Marine Bioassay Project. 96-1WQ.
 - d. Weber, C.I., W.B. Horning, I.I., D.J. Klemm, T.W. Nieheisel, P.A. Lewis, E.L. Robinson, J. Menkedick and F. Kessler (eds). 1998. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-87/028. National Information Service, Springfield, VA.

5.2.2. Reporting

The Self-Monitoring Report (SMR) shall include a full laboratory report for each toxicity test. This report shall be prepared using the format and content of the test methods manual chapter called Report Preparation, including:

- 5.2.2.1 The Discharger shall include a full report of whole effluent chronic toxicity test results in accordance with the monitoring report and include the following information:
 - 5.2.2.1.1 Toxicity test results,
 - 5.2.2.1.2 Dates of sample collection and initiation of each toxicity test, and
 - 5.2.2.1.3 Chronic toxicity discharge limitations (or “trigger” values).
- 5.2.2.2 Toxicity test results shall be reported according to the appropriate guidance - *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, USEPA Office of Water, EPA-821-R-02-012 (2002) or the latest edition, or *Short Term Methods for Estimating the Chronic Toxicity of Effluents*

and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012 (2002) or subsequent editions.

5.2.2.3 If the initial investigation TRE workplan is used to determine that additional (accelerated) toxicity testing is unnecessary, these results shall be submitted with the monitoring report for the month in which investigations conducted under the TRE workplan occurred.

5.2.2.4 Within 14 days of receipt of test results exceeding a chronic toxicity discharge limitation, the Discharger shall provide written notification to the Executive Officer of:

5.2.2.4.1 Findings of the TRE or other investigation to identify the cause(s) of toxicity,

5.2.2.4.2 Actions the Discharger has taken/will take, to mitigate the impact of the discharge and to prevent the recurrence of toxicity, and

5.2.2.4.3 When corrective actions, including a TRE, have not been completed, a schedule under which corrective actions will be implemented or the reason for not taking corrective action if no action has been taken.

6. RECEIVING WATER MONITORING REQUIREMENTS

6.1. The Discharger shall keep a log of the receiving water conditions throughout the reach bounded by stations RSW-001 and RSW-002. Receiving water observations shall be summarized and submitted with each monitoring report. If necessary, the Executive Officer may require authorized dischargers to perform water quality monitoring and submit analytical data or photographic documentation of receiving water conditions in addition to or in lieu of visual observations.

At a minimum of quarterly, the discharger shall record the visual observations made of the receiving water for the presence or absence of:

Table E-5. Receiving Water Monitoring Requirements

Observation	Minimum Frequency
Floating or suspended matter in the water	Quarterly
Discoloration of the water	Quarterly
Bottom deposits	Quarterly
Visible films, sheens, or coatings	Quarterly
Fungi, slimes, or objectionable growths	Quarterly

Observation	Minimum Frequency
Potential nuisance conditions	Quarterly

7.0 OTHER REQUIREMENTS

7.1 Exotic Species Monitoring

Dischargers shall immediately report the presence, anywhere within their facilities, of any biota listed in California Code of Regulations, Title 14, Section 245, or referenced in part a. 8 of the same section, which is not indigenous to the Central Coast Region (exotic species). Any information shall be provided orally to the Central Coast Water Board and California Department of Fish and Wildlife (CDFW) within 24 hours from the time the Discharger becomes aware of the circumstances. In addition, if the Discharger becomes aware of a release of an exotic species through their discharge, the Discharger shall notify the Central Coast Water Board, CDFW, and MBNMS (ph:831-236-6797; email: mbnms.permits@noaa.gov) within 24 hours from the time the Discharger becomes aware of the circumstances.

If CDFW advises the Executive Officer that exotic species are present in the receiving water as a result of the discharge, the Discharger may be required to perform an assessment of impacts to the aquatic habitat beneficial uses of the receiving water. Such an assessment may include a complete survey of all aquatic life potentially affected by the exotic species. The assessment may require an independent third-party consultant. Results of the assessment shall be shared with MBNMS staff when it is completed. Any necessary eradication efforts shall be administered by the Discharger and CDFW.

The results of all internal exotic species inspections, and inspections conducted by CDFW in accordance with Aquaculture Disease Control regulations, shall be summarized in each monitoring report.

7.2 Chemical Usage

With each monitoring report, dischargers shall submit the following information regarding the use of drugs, disinfectants, and other chemicals that may be present in discharges to surface waters.

7.2.1 Names, active ingredients, label instructions and restrictions, Material Safety Data Sheets, and amounts of all drugs, disinfectants, and other chemicals used.

7.2.2 Dates of application of drugs, disinfectants and other chemicals. For drugs, disinfectants and other chemicals used on a routine basis, the frequency of application may be reported instead of each date of application.

7.2.3 Treatment concentrations of the active ingredients, duration of treatment, whether treatment was static or flush, the amount of drugs, disinfectants and other chemicals applied in gallons or pounds, and the water flow (in cubic feet per second [CFS]) through the system for flush treatments or the volume of the system for static treatments.

7.2.4 The quantitative measure of the active ingredient, or the estimated concentration of the active ingredient in the effluent at the point of discharge to the receiving waters, determined by solving for the active ingredient (C), in micrograms per liter ($\mu\text{g/L}$), where:

$$C = (\text{treatment concentration}) \times (\text{flow in treatment area}) / (\text{flow at the point of discharge})$$

7.2.5 The flow in cfs during chemical usage at the point of discharge to the receiving waters.

8.0 REPORTING REQUIREMENTS

8.1 General Monitoring and Reporting Requirements

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

8.2 Self-Monitoring Reports (SMRs)

8.2.1 The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website http://www.waterboards.ca.gov/water_issues/programs/ciwqs/. The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.

8.2.2 The Discharger shall report in the SMR the results for all monitoring specified in this MRP. The Discharger shall submit **annual** SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this order. SMRs are to include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR. Dischargers shall also provide an electronic copy of the annual NPDES Monitoring Report–Exotic Species to MBNMS staff at mbnms.permits@noaa.gov on the same timeline as provided to the Central Coast Water Board (see Table E-6). The annual report shall contain at a minimum:

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

- 8.2.2.1.1 Identification of all violations of waste discharge requirements found during the reporting period, including the date of occurrence and date of determination for each violation.
- 8.2.2.1.2 Details of the magnitude, frequency, and dates of all violations.
- 8.2.2.1.3 The cause of the violations.
- 8.2.2.1.4 Discussion of the corrective actions taken or planned and the time schedule for completion. If the discharger has previously submitted a detailed time schedule for correcting requirement violations, a reference to the correspondence transmitting such schedule will be satisfactory.
- 8.2.2.2 The annual report shall document that the annual fee has been paid to the State Water Board.
- 8.2.2.3 A signature from a principal executive officer or ranking elected official of the discharger, or by a duly authorized representative of that person, along with the following certification: "I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- 8.2.2.4 Map or Aerial Photograph: A map or aerial photograph shall accompany the report showing sampling and observation station locations.
- 8.2.2.5 Results of Analyses and Observations: The Discharger shall present monitoring data in tabular form so that the date, constituents, and concentrations are readily discernible. The Discharger shall summarize data in such a manner to clearly illustrate whether the discharge complies with waste discharge requirements. The annual report shall contain at a minimum the results from the monitoring specified above.
- 8.2.3 Sampling and monitoring as required by this MRP shall begin on the effective date of this order for pre-existing enrollees, and thereafter on the effective date of enrollment for new enrollees. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-6. Monitoring Periods and Reporting Schedule

SMR Name	Permit Section for Monitoring & Sampling Data Included in Report	SMR Submittal Frequencies	SMR Due Date
NPDES Monitoring Report - General	MRP Section III (Influent), Section IV (Effluent), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (Following calendar year of sampling)
NPDES Monitoring Report – Receiving Water	MRP Section VIII (Receiving Water), and Attachment D, Standard Provision VIII.D.8	Annually (minimum sampling frequency is quarterly)	February 1 st (Following calendar year of sampling)
NPDES Monitoring Report – Exotic Species	MRP Section IX.A (Exotic Species), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (Following calendar year of sampling)
Monitoring Report – Chemical Usage	MRP Section IX.B (Chemical Usage), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (Following calendar year of sampling)

8.3 Chemical Additives Report: If the Discharger introduces chemical additives in a manner that will change effluent characteristics originally not reported in the NOI, then the Discharger shall submit to the Central Coast Water Board a report describing the need, method of chemical application, and disposal. The Discharger shall submit a chemical additives report at least 30 days before the use of any chemicals in the operation and maintenance of the wastewater discharge system. This report shall include Material Safety Data Sheet (MSDS) for the proposed chemical(s). This MSDS shall include no observed effect level (NOEL) data on most sensitive species for this chemical. The concentration of the proposed chemical should be much less than the NOEL.

8.4 Late Reports: Mandatory monetary penalties shall be assessed for late monitoring reports pursuant to California Water Code section 13385.

8.5 The Discharger shall ensure that records of all monitoring information are maintained and accessible for a period of at least five years from the date of the sample, report, or application. A prolonged period of record retention shall occur during the course of any unresolved litigation regarding this discharge or by the request of the Executive Officer. Records of monitoring information shall include:

8.5.1 The date, exact place, and time of sampling or measurements;

8.5.2 The individual(s) who performed the sampling, and/or measurements;

8.5.3 The date(s) analyses were performed;

8.5.4 The individual(s) who performed the analyses;

8.5.5 The analytical techniques or methods used;

8.5.6 All sampling and analytical results;

8.5.7 All monitoring equipment calibration and maintenance records;

8.5.8 All original strip charts from continuous monitoring devices;

8.5.9 All data used to complete the application for this general permit; and,

8.5.10 Copies of all reports required by this general permit.

8.6 Reporting Protocols. The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR part 136.

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

8.6.1 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).

8.6.2 Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (\pm a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

8.6.3 Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

8.6.4 Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

8.7 Compliance Determination. Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above. For purposes

of reporting and administrative enforcement by the Central Coast Water Board and State Water Board, the Discharger 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).

- 8.8 Multiple Sample Data. When determining compliance with an AMEL for priority pollutants and more than one sample result is available, the Discharger 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 Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
- 8.8.1 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.
- 8.8.2 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.
- 8.9 The Discharger shall submit SMRs in accordance with the following requirements:
- 8.9.1 The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.
- 8.9.2 The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the waste discharge requirements; 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.

8.10 Discharge Monitoring Reports (DMRs)

DMRs are USEPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at:

<http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

As described in section 6.2 of this order, the Central Coast Water Board incorporates this Fact Sheet as findings of the Central Coast Water Board supporting the issuance of this order. This Fact Sheet describes 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.

1. PERMIT INFORMATION

On January 31, 2019, the Central Coast Water Board adopted Order No. R3-2019-0001 (General NPDES Permit No. CAG993003) – *Waste Discharge Requirements / NPDES General Permit for Discharges from Aquaculture and Aquariums*. Order No. R3-2019-0001 included, as Attachment E, a monitoring and reporting program. This order reissues the general permit, including its monitoring and reporting program. There are not significant changes to permit requirements between Order No. R3-2019-0001 and this order.

The following table summarizes administrative information related to the Facility.

Table F-1. Facility Information

Discharger Types	Any person, partnership, firm, corporation, association, trust estate, or any other legal entity.
Facility Address	Locations throughout the Central Coast Region
Facility Types	Aquaculture facilities and aquariums
Major or Minor Discharge	Minor
Threat to Water Quality	3 (low)
Complexity	C (not complex)
Waste Types	This general permit is intended to authorize and regulate similar discharges from aquaculture facilities and aquariums (facilities that contain, grow, hold, or study aquatic species) to waters of the State.
Facility Permitted Flow	Varies by Discharge
Watershed	Varies by Discharge
Receiving Waters	Varies by Discharge

Receiving Water Type	Varies by Discharge
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This order authorizes discharges to ocean and inland surface waters of the Central Coast Region. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all receiving waters of the Region. To address ocean waters, the Basin Plan also incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan). Beneficial uses established by the Basin Plan and the Ocean Plan for waters within the Central Coast Region are described in section 5.3.2 of the Fact Sheet.

Discharges to the discharge locations identified below are subject to waste discharge requirements as set forth in this order.

Table F-2. Discharge Locations

Discharge Point(s)	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Discharge Point Description
001	Discharges from aquaculture facilities and aquariums	Varies by Discharge	Varies by Discharge	Waters of the United States Varies by Discharge

2. REGULATORY BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.

On September 22, 1989, the U.S. Environmental Protection Agency (USEPA) granted the State of California, through the State Water Board and the regional water quality control boards, the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations (40 C.F.R.) parts 122 and 123.

Section 122.28 of 40 C.F.R. provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and are more appropriately regulated under a general permit rather than individual permits. The general permit shall implement the provisions, prohibitions, and water quality

objectives contained in statewide and/or region-specific water quality control plans that govern the discharge.

Discharges of pollutants to waters of the U.S. are required to be regulated with an NPDES permit, in accordance with the Clean Water Act, including discharges from aquaculture facilities and aquariums. The Clean Water Act does not include an exemption from federal regulation based on volume or flow of discharge. Therefore, wastewater discharges to waters of the U.S. from all sizes are required to be regulated by an NPDES permit.

3. DISCHARGE CHARACTERIZATION

This order authorizes and regulates similar point source discharges from aquaculture facilities and aquariums (facilities that contain, grow, hold, or study aquatic species) to waters of the United States within the Central Coast Region.

- 3.1 Dischargers authorized by the general permit may use various types of production or containment facilities, which can generally be described as ponds or other static systems, flow-through systems, recirculating systems, and open water (net pen) systems.
- 3.2 **Pond systems.** Pond systems are generally used for production of warm water species, are usually aerated and, typically do not have a continuous discharge. Infrequent discharges may occur as a result of a storm event or draining for harvest or repairs. Due to decomposition of biological material and settling of solids (feces, uneaten feed, and sediment), much of the waste from such systems becomes incorporated within the pond sediment and can be managed by minimizing disturbances of sediments, reducing drainage frequency, managing water levels, minimizing erosion in and around pond banks, feed management, and the proper use and storage of chemicals and therapeutic agents.
- 3.3 **Flow-Through Systems.** Flow-through systems imitate the natural environment. In such systems, water, diverted from streams, wells, or the ocean, enters continuously at the top of the system near the water source. In flow-through production systems, smaller, younger fish are typically held at the top of the system near the water source, which is the highest quality water. As fish grow, they can tolerate lesser quality water, and they are moved to downstream units. The most significant pollutants discharged from flow through systems are solids from uneaten feed and feces, which are primarily organic matter with high BOD and organic nitrogen and phosphorous contents. Some flow-through systems use in-line settling capability to treat the full flow of the facility; others have quiescent zones that allow solids to settle for collection and transfer to offline settling basins and lagoons.
- 3.4 **Recirculating Systems.** Recirculating systems utilize tanks with continuously flowing water and sidestream treatment technologies, which continuously treat a portion of the flow and return it to the production system.

3.5 Net-Pen and Open-Water Systems. Net-pen and open-water systems take advantage of an existing water body's circulation to wash away wastes and bring fresh water to the animals. Net pens, which are used primarily to grow stock to food size, are typically suspended from a floating structure and anchored to the sea floor, while allowing some movement with tides and currents. Uneaten feed and feces contribute solids, biochemical oxygen demand, and nutrients directly to the water column from such systems.

3.6 The U.S. Food and Drug Administration (FDA) Center for Veterinary Medicine regulates animal drugs under the Federal Food, Drug, and Cosmetic Act (FFDCA). Extensive toxicity studies are required prior to drug approval from the FDA; however, limited data on potential environmental effects are available for some medications that are currently authorized for investigational use, and limited or no data are available characterizing the ecological significance of releases of drugs and chemicals at aquaculture facilities in the United States. The Central Coast Water Board recognizes, however, the general concerns with residual antibiotics and pesticides in the environment. Such residual materials may pollute receiving waters and immunize the organisms they are designed to control. These effects can be distributed well outside of the original areas of application. In addition, pesticides can impair aquatic organisms in receiving waters depending on the rates applied and the rate of breakdown of the product or of the active ingredient.

3.7 Existing Dischargers and Compliance Summary

3.7.1 There are currently seven dischargers enrolled in Order No. R3-2019-0001 that will be automatically enrolled in Order No. R3-2023-0013 upon its effective date, unless a notice of termination is submitted to the Central Coast Water Board, an individual permit is issued, or an NOA for another general permit is issued:

3.7.1.1 The UC Davis Granite Canyon Marine Pollution Studies Laboratory (MPSL), located at 34500 Highway One in Monterey County. MPSL conducts applied toxicology research and is authorized to discharge to the ocean within the Monterey Bay National Marine Sanctuary (MBNMS) approximately eight miles south of Carmel along the Big Sur coast. Physical facilities at the MPSL include laboratory culture buildings, toxicity laboratories, a dishware cleaning and sample storage facility, office buildings, and a sample sorting shed.

3.7.1.2 The UC Santa Cruz Institute of Marine Sciences (UCSC), located at 100 Shaffer Road in Santa Cruz. UCSC is a marine research and education facility that uses a seawater delivery system to supply pens, pools, and laboratories, and is authorized to discharge to the ocean within the MBNMS. The shared outfall includes discharges from Long Marine Lab, California Department of Fish and Wildlife (CDFW) Marine Wildlife Center, and NOAA Fisheries Laboratory.

3.7.1.3 The Hopkins Marine Station of Stanford University (HMS), located at 120 Ocean View Boulevard in Pacific Grove, Monterey County. HMS is a marine research and education facility with research laboratories and aquarium systems. HMS is

authorized through its enrollment in Order No. R3-2019-0001 and State Water Board Resolution No. 2011-0050 to discharge to the ocean within the MBNMS into the Pacific Grove Area of Special Biological Significance (ASBS).

- 3.7.1.4 Cultured Abalone Farm, LLC, located in Santa Barbara County eight miles west of Goleta at Rancho Los Dos Pueblos. Cultured Abalone Farm, LLC is a commercial abalone aquaculture operation. The flow-through seawater system discharges into the Pacific Ocean across the rocky intertidal area.
- 3.7.1.5 Silverking Oceanic Farms, Inc., owned by American Abalone Farms LLC, located at 245 Davenport Landing Road in Davenport, Santa Cruz County. Silverking Oceanic Farms, Inc. is a commercial abalone aquaculture operation that operates a flow-through seawater system.
- 3.7.1.6 The Monterey Bay Aquarium, located at 886 Cannery Row in the City of Monterey, Monterey County. The Monterey Bay Aquarium displays thousands of animals and plants and discharges from a seawater system through four ocean outfalls and is authorized through its enrollment in Order No. R3-2019-0001 and State Water Board Resolution No. 2011-0051 to discharge to the ocean within the MBNMS into the Pacific Grove Area of Special Biological Significance.
- 3.7.1.7 Moss Landing Marine Laboratories, located at 8272 Moss Landing Road in Moss Landing, Monterey County. Moss Landing Marine Laboratories (MLML) is owned by San Jose State University Research Foundation and accepts discharges from MLML's main lab, MLML's Aquaculture Center, Monterey Bay Aquarium Research Institute (MBARI), and Monterey Bay Seaweeds. The facilities share a pass-through seawater system with seawater intake and discharge pipes located within the former National Refractories outfall in Moss Landing.
- 3.7.2 One discharger terminated enrollment in Order No. R3-2019-0001 during its term: The Abalone Farm, Inc., located near Villa Creek Road off Highway One approximately three miles northwest of Cayucos, San Luis Obispo County ceased operations in in 2020 and terminated enrollment in the general permit on December 11, 2020. The Abalone Farm, Inc. produced abalone in an onshore raceway system that discharged into the portion of the Pacific Ocean known as Estero Bay.

3.7.3 Compliance Summary

- 3.7.3.1 UC Davis Granite Canyon Marine Pollution Studies Laboratory: No violations reported.
- 3.7.3.2 UC Santa Cruz Institute of Marine Sciences, Long Marine Laboratory, University of California Santa Cruz: No violations reported.
- 3.7.3.3 Hopkins Marine Station of Stanford University: No violations reported.
- 3.7.3.4 The Cultured Abalone Farm, LLC.: No violations reported.

3.7.3.5 Silverking Oceanic Farms: No violations reported.

3.7.3.6 Monterey Bay Aquarium: No violations reported.

3.7.3.7 Moss Landing Marine Laboratories: No violations reported.

3.7.3.8 The Abalone Farm, Inc (Terminated): No violations reported.

4. APPLICATION REQUIREMENTS

4.1. The application requirements can be found in Section 6.4.3 of the general permit. This information is required to determine if this general permit is the appropriate regulatory tool for the proposed discharge and ensure that the discharger will be able to comply with the requirements herein.

5. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

5.1. Legal Authorities

This order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit authorizing the Discharger to discharge into waters of the United States at the discharge locations described in Table 1 subject to the WDRs in this order.

5.2. California Environmental Quality Act (CEQA)

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

5.3. State and Federal Laws, Regulations, Policies, and Plans

5.3.1. **Water Quality Control Plan.** The Central Coast Water Board adopted the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan); the most recent version was adopted in June 2019. The Basin Plan designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those objectives in the receiving waters located within the Central Coast Region. To address ocean waters, the Basin Plan incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan). The Ocean Plan is discussed in further detail in 5.3.2 of this Fact Sheet.

The Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN).

In accordance with Chapter 2 of the Basin Plan, surface water bodies may not have beneficial uses specifically identified by the Basin Plan, such as an unnamed ephemeral receiving stream. Assigned beneficial uses for all surface waters include municipal and domestic supply and protection of both recreation and aquatic life.

Assigned beneficial uses may or may not include the uses outlined in Table F-3.

Table F-3. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Potential Beneficial Use(s)
001 (Inland)	Inland surface water body	Municipal and domestic water supply (MUN) Agricultural supply (AGR) Industrial supply (IND and PROC) Ground water recharge (GWR) Freshwater replenishment (FRSH) Navigation (NAV) Hydropower generation (POW) Contact water recreation (REC-1) Non-contact water recreation (REC-2) Commercial and sport fishing (COMM) Aquaculture (AQUA) Warm freshwater habitat (WARM) Cold freshwater habitat (COLD) Inland saline water habitat (SAL) Estuarine habitat (EST) Marine habitat (MAR) Wildlife habitat (WILD) Preservation of biological habitats of special significance (BIOL) Rare, threatened or endangered species (RARE) Migration of aquatic organisms (MIGR) Spawning, reproduction, and/or early development (SPWN) Shellfish harvesting (SHELL) Areas of special biological significance (ASBS)
001 (Ocean)	Pacific Ocean	Water Contact (REC-1) Non-Contact Recreation (REC-2) Industrial Supply (IND and PROC) Navigation (NAV) Marine Habitat (MAR) Shellfish Harvesting (SHELL) Commercial and Sport Fishing (COMM) Rare, Threatened, or Endangered Species (RARE) Wildlife Habitat (WILD)

Discharge Point	Receiving Water Name	Potential Beneficial Use(s)
		Areas of special biological significance (ASBS)

Requirements of this order implement the Basin Plan.

5.3.2 **California Ocean Plan.** The State Water Board adopted the Ocean Plan in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, 2009, 2012, 2015, and 2018. The State Water Board adopted the latest amendment on August 7, 2018, and it became effective on February 4, 2019. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. The Ocean Plan identifies beneficial uses of ocean waters of the state to be protected as summarized below:

Table F-4. Ocean Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Pacific Ocean	Industrial Supply Water Contact Recreation Non-Contact Recreation, including aesthetic enjoyment Navigation Commercial and Sport Fishing Mariculture Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS) Rare and Endangered Species Marine Habitat Fish Migration Fish Spawning and Shellfish Harvesting

5.3.3 **Thermal Plan.** The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) on January 7, 1971, and amended this plan on September 18, 1975. This plan contains the following temperature objective for existing discharges to enclosed bays and coastal waters of California which is applicable to this Discharger:

Elevated temperature waste discharges must comply with limitations necessary to ensure protection of beneficial uses.

The Ocean Plan defines elevated temperature wastes as liquid, solid, or gaseous material discharged at a temperature higher than the natural temperature of receiving water.

Requirements of this order implement the Thermal Plan.

5.3.4 Sediment Quality. The State Water Board adopted *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. This plan supersedes other narrative sediment quality objectives and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. Requirements of this order implement sediment quality objectives of this plan.

5.3.5 Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California and Toxicity Provisions. This Plan was adopted by the State Water Resources Control Board under authority provided by Water Code sections 13140 and 13170. Except as otherwise indicated, this Plan establishes provisions for water quality and sediment quality including Trash Provisions, Tribal Subsistence Beneficial Uses and Mercury Provisions, Bacteria Provisions and Variance Policy that apply to all Inland surface waters, enclosed bays, and estuaries and coastal lagoons of the state, including both waters of the United States and surface waters of the state. In accordance with Water Code section 13170, except where otherwise noted, the provisions contained within this Plan supersede any Regional Water Quality Control Plans (Basin Plans) for the same waters to the extent of any conflict.

Toxicity Provisions. On December 1, 2020, the State Water Board adopted the Toxicity Provisions which establish numeric water quality objectives for both acute and chronic aquatic toxicity, a program of implementation to control aquatic toxicity, a consistent yet flexible framework for monitoring toxicity, and a statewide statistical approach to analyze test results. The Toxicity Provisions provide consistent protection of aquatic life beneficial uses in inland surface waters, enclosed bays, estuaries, and coastal lagoons throughout the state from the effects of known and unknown toxicants. On October 5, 2021, the State Water Board adopted Resolution No. 2021-0044 to confirm that the Toxicity Provisions were adopted as state policy for water quality control for all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state, and for future inclusion in the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California for waters of the United States. The Toxicity Provisions became effective on May 1, 2023. Requirements of this Order implement the Toxicity Provisions.

5.3.6 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 are 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 federal water quality criteria for priority pollutants as well as aquatic toxicity.

5.3.7 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 Central Coast 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.

On May 2, 2017, the State Water Board adopted and approved Part 2 of the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (SIP Part 2). With SIP Part 2's approval, the State Water Board approved one new narrative and four new numeric mercury water quality objectives to apply to those inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use designations: COMM, CUL, T-SUB, WILD, MAR, RARE, WARM, COLD, EST, or SAL. The provisions of SIP Part 2 are to be implemented through NPDES permits and WDRs, among other actions the Regional Water Boards may take. The SIP, including its new applicable revisions from SIP Part 2 for mercury, establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this order implement the SIP and SIP Part 2.

5.3.7.1 The State Implementation Policy requires dischargers to submit sufficient data to determine the need for water quality-based effluent limits and establishes procedures for determining that need, and for calculating these effluent limits, when necessary.

5.3.7.2 In accordance with the methodology of the State Implementation Policy, the lowest (most stringent) applicable water quality-based objective or criterion contained in the Basin Plan, the National Toxics Rule, and the California Toxics Rule were compared to determine the general permit water quality criteria for toxic pollutants.

5.3.7.3 To satisfy the categorical exception requirements of Section 5.3 of the State Implementation Policy, dischargers seeking enrollment under this general permit will be required to submit project-specific information to the Executive Officer on the discharge and its water quality effects.

5.3.8 Domestic Water Quality. In compliance with California Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This general permit promotes that policy by requiring discharges to meet water quality objectives established in the

Basin Plan that are based on drinking water maximum contaminant levels and designed to protect human health and ensure that water is safe for domestic use.

5.3.9 Alaska Rule. On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21]. 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.

5.3.9 Antidegradation Policy. Federal regulations at 40 C.F.R. section 131.12 require 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, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution No. 68-16 is deemed to incorporate 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 by specific findings. The Central Coast Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16.

The antidegradation policy requires that the quality of existing high-quality water be maintained unless the State finds that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water, and will not result in water quality less than that prescribed in policies as of the date on which such policies became effective. The antidegradation policy also requires best practicable treatment or control (BPTC) of discharges to high-quality waters to ensure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained.

5.3.10 Anti-Backsliding Requirements. Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. All limitations and requirements of this order are consistent with anti-backsliding requirements of the CWA and NPDES Regulations.

5.3.11 Endangered Species Act Requirements. This order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This order requires compliance with effluent limits, receiving water limits, and other

requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable endangered species act.

5.3.12 Total Maximum Daily Load (TMDL). The Central Coast Water Board is currently developing and implementing TMDLs for many impaired water bodies in the Central Coast Region. Enrollees under this general permit that discharge to these impaired water bodies may be required to collect discharge monitoring data applicable to developing appropriate future waste load allocations for the discharge.

5.3.13 Mandatory Minimum Penalties. The Porter-Cologne Water Quality Control Act establishes mandatory minimum penalties for certain types of violations of NPDES permits. California Water Code sections 13385 and 13385.1 require Water Boards to impose mandatory minimum penalties of \$3,000 for each “serious violation” and for certain violations occurring four or more times in any period of six consecutive months. Violations of numeric or numerically expressed effluent limits, certain toxicity limitations, and certain reporting violations are subject to mandatory minimum penalties.

5.3.13.1 Effluent limitations and toxic effluent standards established pursuant to Sections 301, 302, 304, and 307 of the Clean Water Act (CWA) and amendments thereto are applicable to these discharges.

5.3.13.2 Federal regulations require effluent limitations for all pollutants that are or may be discharged at a concentration causing or having reasonable potential to cause or contribute to in-stream excursions above narrative or numerical water quality standards.

5.4. Impaired Waterbodies on the CWA Section 303(d) List

CWA section 303(d) requires states to identify specific waterbodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed waterbodies and pollutants, the Central Coast Water Board must develop and implement Total Maximum Daily Loads (TMDLs) that will specify Waste Load Allocations (WLAs) for point sources and Load Allocations (LAs) for non-point sources. Applicants proposing to discharge to a water body with an approved TMDL, or to a water body listed on the State’s CWA section 303(d) list, will be evaluated on a case-by-case basis for coverage under this general permit or coverage under an individual permit.

There are no impairments listed for the Pacific Ocean or inland surface waters that would affect discharges currently enrolled under this general permit.

As stated in section 1.2.1.5.1 of the order, discharges that contain pollutants for which a receiving water is listed as 303 (d) impaired (i.e., discharges that may cause further degradation) are not eligible for enrollment in the general permit and must obtain an individual permit to discharge.

5.5 Discharges of Storm Water.

For the control of storm water discharged from the sites of aquaculture facilities and aquariums authorized by the general permit, the order requires dischargers, if applicable, to seek authorization to discharge under and meet the requirements of the State Water Resources Control Board's Water Quality Order 2014-0057-DWQ, NPDES general permit No. CAS000001, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* and any applicable successor statewide general permit regulating stormwater discharges associated with industrial activities.

6. 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: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

When numeric water quality objectives have not been established, but a discharge has the reasonable potential to cause or contribute to an excursion above a narrative criterion, WQBELs may be established using one or more of three methods described at 40 CFR § 122.44 (d): 1) using a calculated water quality criterion derived from a proposed State criterion or an explicit State policy or regulation interpreting its narrative criterion, 2) on a case-by-case basis using USEPA criteria guidance published under CWA Section 304 (a), or 3) using an indicator parameter for the pollutant of concern.

6.1 Discharge Prohibitions.

Discharge prohibitions are included in this general permit and implement State Water Board Resolution No. 68-16 (Antidegradation Policy), the Basin Plan, and the Ocean Plan by prohibiting the creation of conditions of pollution or nuisance as well as sediment or aquatic toxicity. In addition, the permit prohibits discharges from causing scouring or erosion at the point where it discharges into the receiving waters.

This subsection includes the rationale for discharge prohibitions.

6.2 Technology-Based Effluent Limitations (TBELs)

6.2.1 Scope and Authority

6.2.1.1 Statutory and Regulatory Requirements

This subsection provides a brief description of the statutory and regulatory requirements for establishing technology-based effluent limitations.

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 C.F.R. section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards.

The CWA requires that technology-based effluent limitations be based on several levels of controls:

- 6.2.1.1.1 Best practicable treatment control technology (BPT) represents the average of the best existing performance by well-operated facilities within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- 6.2.1.1.2 Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- 6.2.1.1.3 Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering a two-part reasonableness test. The first test compares the relationship between the costs of attaining a reduction in effluent discharge and the resulting benefits. The second test examines the cost and level of reduction of pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. Effluent limitations must be reasonable under both tests.
- 6.2.1.1.4 New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.
- 6.2.1.1.5 The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the Central Coast Water Board must consider specific factors outlined in 40 CFR section 125.3.

6.2.1.2 **Applicable Technology-Based Limitations.**

There are two sources of technology-based requirements that the Central Coast Water Board has considered for implementation in the general permit. Both sources of technology-based requirements, which are described below,

include reasonable means to control discharges from aquaculture facilities and aquariums enrolled in the general permit.

6.2.1.2.1 Effluent Limitations, Guidelines and Standards (ELGs)

The ELGs for the Concentrated Aquatic Animal Production Point Source Category (40 CFR part 451) establish national technology-based effluent discharge requirements for flow-through and recirculation systems and for net pens based on BPT, BCT, BAT, and NSPS. In the process of developing the ELGs, USEPA identified an extensive list of pollutants of concern in discharges from the aquaculture industry, including several metals, nutrients, solids, Biochemical Oxygen Demand (BOD), bacteria, drugs, and residuals of federally registered pesticides. USEPA did not include specific numerical limitations in the ELGs for any pollutants on this list, providing instead Best Management Practices (BMPs) to obtain acceptable control of these pollutants. USEPA also allowed permitting authorities to apply TBELs for other pollutants and WQBELs for pollutants considered in the ELGs in order to comply with applicable water quality standards.

The Concentrated Aquatic Animal Production Point Source Category ELGs apply to discharges that meet or exceed a size (production) threshold. Only a limited number of potential dischargers that may enroll in the general permit meet that threshold. For those potential dischargers under the production threshold, the EPA-promulgated effluent guidelines do not automatically apply. Nevertheless, the Central Coast Water Board has considered the factors in 40 CFR section 125.3 and used BPJ to determine that it is appropriate to apply the Part 451 ELGS to all discharges authorized by this general permit. Accordingly, the requirements of the effluent limitations guidelines are implemented in the general permit and apply to all dischargers enrolled in the general permit.

6.2.1.2.2 Ocean Plan

Table 2 of the Ocean Plan, which establishes technology-based requirements for conventional pollutants (suspended and settleable matter, oil and grease, turbidity, and pH) for industrial dischargers for which effluent limitations guidelines have not been established. The numeric limitations of Table 2 of the Ocean Plan are included in the general permit.

6.3 Water Quality-Based Effluent Limitations (WQBELs)

6.3.1. Scope and Authority

CWA Section 301(b) and 40 C.F.R. section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. Section 122.44(d)(1)(i) of 40 CFR requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard.

Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using (1) 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).

6.3.1.2 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.

6.3.2 Applicable Beneficial Uses, Water Quality Criteria and Objectives

6.3.2.1 **Beneficial Uses.** Discharges from aquaculture facilities and aquariums may potentially be authorized to discharge to all surface waters of the Central Coast Region. Beneficial use designations for receiving waters are presented in section 5.3.1 of this Fact Sheet.

6.3.2.2 **Basin Plan Water Quality Objectives.** Chapter 3 of the Basin Plan contains narrative objectives for color, tastes and odors, floating material, suspended material, settleable material, oil and grease, biostimulatory substances, sediment, turbidity, pH, dissolved oxygen, bacteria, temperature, toxicity, pesticides, chemical constituents, and radioactivity that apply to inland surface waters, enclosed bays, and estuaries. For waters designated for use as domestic or municipal supply (MUN), the Basin Plan establishes as applicable water quality criteria the maximum contaminant levels established by the Division of Drinking Water for the protection of public water supplies at title 22 of the CCR section 64431 (Inorganic Chemicals) and section 64444 (Organic Chemicals). For purposes of this general permit, these water quality criteria are assumed to be applicable to all inland waters, enclosed bays, and estuaries of the Central Coast Region.

6.3.2.3 **Ocean Plan Water Quality Objectives.** Water quality criteria applicable to ocean waters of the Region are established by the Ocean Plan, which includes general provisions and water quality objectives for bacterial, physical, chemical, and biological and radiological characteristics. These water quality objectives from the Ocean Plan are implemented as receiving water limitations into the order. Table 3 of the Ocean Plan contains numeric water quality objectives for 83 toxic pollutants for the protection of marine aquatic life and human health. The general permit does not authorize discharges that have the reasonable potential to exceed water quality objectives in the Ocean Plan.

6.3.2.4 **SIP, CTR and NTR.** Water quality criteria and objectives applicable to the receiving waters are established by the California Toxics Rule (CTR), established by the USEPA at 40 C.F.R. section 131.38; and the National Toxics

Rule (NTR), established by the USEPA at 40 C.F.R. section 131.36. Criteria for most of the 126 priority pollutants are contained within the CTR and the NTR.

The SIP, which is described in section 5.3.7 of this Fact Sheet, includes procedures for determining the need for, and the calculation of, WQBELs and requires Dischargers to submit data sufficient to do so.

6.3.2.5 Thermal Plan. The Thermal Plan establishes water quality objectives for temperature in the coastal and interstate waters and enclosed bays and estuaries of the Region, as well as ocean waters.

6.3.3 Determining the Need for WQBELs. NPDES regulations at 40 C.F.R. section 122.44(d) requires effluent limitations to control all pollutants that are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard. Procedures for performing a reasonable potential analysis for ocean dischargers are described in Section III.C and Appendix VI of the Ocean Plan, the California Toxics Rule, and the SIP. When effluent data are very limited or not available, as for discharges authorized by this general permit, the Central Coast Water Board may decide that WQBELs are necessary after a review of such information as the facility or discharge type, solids loading, lack of dilution, potential toxic effects, fish tissue data, CWA section 303(d) status of the receiving water, or the presence of threatened or endangered species or their critical habitat, or other information.

Due to the nature of facilities authorized to discharge under the general permit, the Central Coast Water Board has determined that there is not a reasonable potential that any of the toxic pollutants listed in the Ocean Plan Table 3 and the California Toxics Rule will be present in discharges at levels that will cause or contribute to excursions above applicable water quality criteria. Instead, the pollutants of concern from authorized facilities include suspended and settleable solids from feeds and feces; residuals of drugs used for maintenance of animal health; and residuals of chemicals used for cleaning equipment or for maintaining or enhancing water quality conditions. In addition, facility discharges are typically intake water that is rapidly flowing through the facilities. The facilities also have every incentive to keep their aquatic organisms healthy, and if there were toxicity issues, the organisms at the facilities would show signs of distress. Therefore, the order does not establish WQBELs for any of the Ocean Plan Table 3 or California Toxics Rule toxic pollutants. The Central Coast Water Board has also determined that implementation of technology-based requirements will satisfactorily control other pollutants of concern in discharges from aquaculture facilities and aquariums authorized by the general permit.

6.4 Final Effluent Limitation Considerations

6.4.1 Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 C.F.R. section 122.44(l) prohibit backsliding of effluent limitations 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. The order retains all numeric effluent limitations established in the previous order. Therefore, the effluent limits in this order are not less stringent than those in the previous order, and the anti-backsliding requirements of CWA Sections 402 (o) (2) and 303 (d) (4) and of NPDES regulations at 40 CFR § 122.44 (l) do not apply.

6.4.2. Antidegradation Policies

Provisions of the order are consistent with applicable antidegradation policy expressed by NPDES regulations at 40 C.F.R. section 131.12 and by State Water Board Resolution No. 68-16. This order does not authorize increases in discharge rates or pollutant loadings, and its limitations and conditions otherwise ensure maintenance of the existing quality of receiving waters.

6.4.3. Stringency of Requirements for Individual Pollutants

This order contains general technology-based requirements as well as technology-based numeric effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on TSS, settleable solids, turbidity, oil and grease, and pH. Restrictions on these pollutants, which are discussed in section 6.2.1.2 of the Fact Sheet, implement the minimum, applicable federal technology-based requirements and are not more stringent than required by the CWA.

6.5 Land Discharge Specifications – Not Applicable

6.6 Recycling Specifications – Not Applicable

7. RATIONALE FOR RECEIVING WATER LIMITATIONS

7.1 Surface Water

The general permit includes narrative and numeric receiving water limitations based on the applicable water quality objectives for all surface waters, including wetlands, in the Central Coast Region. Receiving water quality is a result of many factors, some unrelated to the discharge. This permit considers these factors and is designed to minimize the influence of the discharge in the receiving water. These receiving water limitations implement the surface water quality objectives for sub-basin/sub-areas within the region as are specified in Table 3-5 in the Basin Plan.

7.1.1 Aquatic Toxicity. This general permit includes receiving water limitations for discharges to inland surface waters, enclosed bays and estuaries based on the aquatic toxicity water quality objectives in Section II.C of the Toxicity Provisions. The Toxicity Provisions, Section III.C.11.a, authorize the Central Coast Water Board to exempt certain non-storm water NPDES dischargers from some or all of the provisions of Section III.C upon the Central Coast Water Board's finding that the

discharge will have no reasonable potential to cause or contribute to an exceedance of the numeric aquatic toxicity water quality objectives. Enrollment in this general permit is limited to non-stormwater Dischargers that do not have reasonable potential to cause or contribute to an exceedance of the numeric aquatic toxicity water quality objectives. Accordingly, discharges authorized by this general permit are exempt from the provisions of Section III.C and instead are subject to receiving water limitations based on the aquatic toxicity water quality objectives. Routine monitoring is assigned.

7.2. Groundwater

The general permit includes groundwater receiving water limitations based on narrative water quality objectives for all groundwater in the Central Coast Region. Groundwater throughout the Central Coastal Basin, except for that found in the Carrizo Plain groundwater basin, is suitable for agricultural water supply, municipal and domestic water supply, and industrial use. Given the general nature of this general permit, it is possible that discharges authorized in this order have the potential to interact with groundwater.

7.3 Solid Waste

This general permit includes solid waste sludge disposal requirements. Provisions in Chapter 15, Division 3, Title 23, and Division 2 of Title 27 of the California Code of Regulations apply to discharges enrolled in this general permit.

8. RATIONALE FOR PROVISIONS

8.1 Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 C.F.R. section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 C.F.R. section 122.42, are provided in Attachment E to the order.

Sections 122.41(a)(1) and (b) through (n) of 40 C.F.R. 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) of 40 C.F.R. allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 C.F.R. section 123.25, this order omits federal conditions that address enforcement authority specified in 40 C.F.R. 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 general permit incorporates by reference California Water Code section 13387(e).

8.2 Special Provisions

8.2.1 Reopener Provisions

This general permit may be modified in accordance with the requirements set forth at 40 C.F.R. parts 122 and 124, to include appropriate conditions or limits based on newly available information, or to implement any new State water quality objectives that are approved by the USEPA.

8.2.2 Special Studies and Additional Monitoring Requirements – Not Applicable

8.2.3 Best Management Practices and Pollution Prevention – Not Applicable

8.2.4 Construction, Operation, and Maintenance Specifications – Not Applicable

8.2.5 Special Provisions for Publicly Owned Treatment Works (POTWs) – Not Applicable

8.2.6 Other Special Provisions 8.2.6.1 Discharges of Storm Water. For the control of storm water discharged from the sites of facilities authorized to discharge by the general permit, if applicable, Dischargers shall seek authorization to discharge storm water under and meet the requirements of the State Water Resources Control Board's Water Quality Order 2014-0057-DWQ (NPDES general permit No. CAS000001) *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* and any applicable successor statewide general permit regulating stormwater discharges associated with industrial activities.

8.2.7 Compliance Schedules – Not Applicable

9. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

This section provides a discussion and rationale for the monitoring and reporting requirements contained in the monitoring and reporting program.

CWA section 308 and 40 C.F.R. sections 122.41(h), (j)-(l), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements related to discharges to navigable waters or publicly owned treatment works. The Discharger is required to provide technical or monitoring reports because it is the owner and operator responsible for the waste discharge and compliance with this general permit. The Central Coast Water Board needs this information to determine the Discharger's compliance with this order, assess the need for further investigation or enforcement action, and to protect public health and safety and the environment. The monitoring and reporting program (MRP), Attachment E of this order, establishes monitoring, reporting, and recordkeeping requirements that implement federal requirements.

10. PUBLIC PARTICIPATION

The Central Coast Water Board is considering adopting this general permit. As a step in the adoption process, Central Coast Water Board staff has developed a tentative permit and encourages public participation in the permit adoption process.

Effective January 1, 2023, Water Code sections 189.7 and 13149.2 require the Central Coast Water Board to conduct outreach and to make certain findings when considering certain types of proposed waste discharges. The Central Coast Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by directly informing tribal communities throughout the region and organizations that represent disadvantaged communities and environmental justice groups of the opportunity to comment.

10.1. Notification of Interested Persons

The Central Coast Water Board notified existing Dischargers currently enrolled in Order No. R3-2019-0001 and interested agencies and persons of its intent to prescribe general WDRs for the discharges and provided an opportunity to submit written comments and recommendations. Notification was also provided via the Central Coast Water Board's website.

The public has access to the agenda and any changes in dates and locations through the Central Coast Water Board's website at:

<<http://www.waterboards.ca.gov/centralcoast/>>

10.2. Written Comments

Interested persons were invited to submit written comments concerning the tentative general permit on July 12, 2023.

To be fully responded to by staff and considered by the Central Coast Water Board, the written comments were due at the Central Coast Water Board office by 5:00 p.m. on **August 14, 2023**.

No public comments were received.

10.3. Public Hearing

The Central Coast Water Board held a public hearing on the general permit during its regular Board meeting on the following date and time and at the following location:

Date: October 19, 2023

Time: 8:00 am-5:00 pm

Location: Central Coast Water Board Offices

895 Aerovista Place, Suite 101, San Luis Obispo

And via video and teleconference.

Interested persons were invited to attend. At the public hearing, the Central Coast Water Board invites testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony is requested in writing.

10.4 Petition for Review of Waste Discharge Requirements

Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this order at the following address, except that if the thirtieth day following the date of this order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100
Or by email at waterqualitypetitions@waterboards.ca.gov

For instructions on how to file a petition for review, see the State Water Board's website on instructions for filing water quality petitions at:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

10.5 Information and Copying

The supporting documents and comments received for this general permit are on electronic file and may be inspected. Copying of documents may be arranged through the Central Coast Water Board by contacting the Central Coast Water Board at centralcoast@waterboards.ca.gov or (805) 549-3147.

10.6 Register of Interested Persons

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

10.7 Additional Information

Requests for additional information or questions regarding this order should be directed to Leah Lemoine at (805) 549-3159 or leah.lemoine@waterboards.ca.gov.

ATTACHMENT G – NOTICE OF TERMINATION

**TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT FOR DISCHARGES FROM AQUACULTURE FACILITIES AND
AQUARIUMS
(NPDES PERMIT NO. CAG993004, WDR ORDER NO. R3-2022-0035)**

Submission of this Notice of Termination constitutes notice that the owner/operator of facility identified on this form is no longer authorized to discharge treated water by NPDES general permit No. CAG993002.

I. OWNER/OPERATOR

Name	
Mailing Address	
City	
State	
Zip	
Phone	
Contact Person Name	
Contact Person Type (Select one)	<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner/Operator

II. BASIS OF TERMINATION (Please provide additional detail under Section III)

- All discharges subject to regulation under the general permit for discharges from aquaculture and aquarium discharges.

Date of termination	
---------------------	--

All treated water discharges previously authorized by the general permit has been redirected to:

Check the applicable redirection	<input type="checkbox"/> Treated water retained on site <input type="checkbox"/> Treated water is discharged to a municipal sanitary sewer system <input type="checkbox"/> Treated water is discharged to evaporation ponds or percolation ponds offsite. <input type="checkbox"/> Treated water is reused/reclaimed. <input type="checkbox"/> Other*
*Explanation of other (if applicable)	

Discharge of treated water is now subject to another NPDES general permit or an individual permit.

NPDES Permit No.	
Date coverage began	

There is a new owner/operator of the identified facility.

Date of new owner/operator of the identified facility	
Has the new owner/operator been notified of the NPDES general permit requirements?	<input type="checkbox"/> Yes <input type="checkbox"/> No

NEW OWNER/OPERATOR INFORMATION

Name	
Mailing Address	
City	
State	
Zip	
Phone	

Contact Person Name	
Contact Person Type (Select one)	<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner/Operator

III. EXPLANATION OF BASIS OF TERMINATION:

IV. CERTIFICATION:

I certify under penalty of law that all wastewater discharges associated with the identified facility that are authorized by NPDES general permit No. CAG993002 have been eliminated or that I am no longer the owner/operator of the facility. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge wastewater under the general permit, and that discharging pollutants in wastewater to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner/operator from liability for any violations of the general permit or the Clean Water Act.

Printed Name	
Title	
Signature	
Date	