Alan C. Lloyd,Ph.D.
Agency Secretary

California Regional Water Quality Control Board
Central Coast Region

Arnold Schwarzenegger
Governor

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ORDER NO. R3-2005-0046
NPDES NO. CA0005720

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Abbott Street Properties
Name of Facility	Unikool Partners Vegetable Packing Facility, Salinas
Facility Address	East John Street and Abbott Street
	Salinas, CA 93901
	Monterey County

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated wastewater and stormwater	36º 40' 16" N	121º 38' 23" W	Salinas Reclamation Canal

This Order was adopted by the Regional Board on:	**<Adoption Date>**
This Order shall become effective on:	**May 13, 2005**
This Order shall expire on:	**May 13, 2010**
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Central Coast Region have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 99-68 is rescinded upon the effective date of this Order except for purposes of taking enforcement action for violations that occurred prior to such effective date, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Roger W. Briggs, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on **May 13, 2005**.

Roger W. Briggs, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 3, CENTRAL COAST REGION

ORDER NO. R3-2005-0046
NPDES NO. CA0005720

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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Abbott Street Properties
Name of Facility	Unikool Partners Vegetable Packing Facility, Salinas
Facility Address	East John Street and Abbott Street
	Salinas, CA 93901
	Monterey County
Facility Contact, Title, and Phone	Robert Bellew, Manager, (831) 424-4811
Mailing Address	P.O. Box 3140, Salinas, CA 93901
Type of Facility	Vegetable Processing
Facility Design Flow	0.08 MGD (actual average daily flow) 0.10 MGD (actual maximum daily flow)

II. FINDINGS

The California Regional Water Quality Control Board, Central Coast Region (hereinafter the Regional Board), finds:

A. **Background**
Abbott Street Properties/Unikool Partners (hereinafter the Discharger) is currently discharging under Order No. 99-68 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0005720. The Discharger submitted a Report of Waste Discharge, dated August 25, 2004, and applied for a NPDES permit renewal to discharge up to 0.1 million gallons per day (MGD) of treated wastewater from the Unikool Partners Vegetable Packing Facility. Order No. 99-68 allows a daily flow of up to 0.10 million gallons per day.

B. **Facility Description**
The Discharger owns and operates a vegetable packing and cold storage facility and discharges up to 0.1 MGD of treated wastewater (e.g. cold storage melted ice, spent fresh vegetable wash, equipment wash, storm water and evaporative cooler blowdown) through Discharge Point 001. The treatment system consists of screens, settling basins, and aerated lagoons. Wastewater is discharged from Discharge Point 001 via a storm drain to the Salinas Reclamation Canal, a water of the United States and a tributary to the Salinas River within the Salinas River Watershed. Attachment B provides a topographic map of the area around the facility. Attachment C provides a wastewater flow schematic of the facility.

C. **Treatment Performance**
Generally, the Discharger produced high quality effluent over the term of Order No. 99-68. From July 2000 through June 2004, effluent consistently met limitations for pH, settleable solids, BOD_5, suspended solids, TDS, chloride, and sodium. From July 2000 through June 2004, effluent concentrations for nitrate and boron were also generally within effluent limitations; however, in September 2000, boron was measured at 0.52 mg/L. Because monitoring for boron is required one time per month, this result exceeded the average monthly effluent limitation of 0.5 mg/L. In June 2003, nitrate was measured at 7.1 mg/L and in June 2002 at 8.2 mg/L. Because nitrate monitoring is required one time per month, these results exceeded the maximum daily and the average monthly limitations for nitrate of 10 and 6 mg/L as N, respectively.

Order No. 99-68 required analysis for metals and organic pollutants with applicable receiving water quality criteria and objectives from the CTR and Basin Plan, one time during the term of the permit. In its application to renew the permit, the Discharger has provided analytical results for CTR and Basin Plan toxic pollutants from effluent samples collected on June 3, August 10, and September 13, 2004, and

receiving water samples collected on August 10, 2004. Regional Board staff and TetraTech have evaluated toxic pollutant data to determine reasonable potential and the need for effluent limitations. Based on analysis of effluent samples taken on June 3, August 10, and September 13, 2004, and receiving water samples taken on August 10, 2004, the Regional Board, using methods presented in the SIP, finds the discharge does not demonstrate reasonable potential to cause or contribute to in-stream excursions above any applicable water quality criteria or objectives for toxic pollutants. Therefore, this Order does not include effluent limitations for any of the priority toxic pollutants from the CTR or Basin Plan.

D. **Receiving Water Quality**

From July 2000 to June 2004, the Salinas Reclamation Canal was sampled semiannually up- and down-stream of the discharge point and analyzed for dissolved oxygen (D.O.), temperature, pH, turbidity, TDS, and total nitrogen (as N). Receiving water quality objectives were consistently met both upstream and downstream, with the exception of D.O., which was depressed below the minimum receiving water limit of 5 mg/L in June samples from 2001 through 2003. D.O. samples from September of those years were above the receiving water limit.

E. **Changes to Waste Discharge Requirements of the Previous Order**

Effluent and receiving water limitations of this Order have been modified from those of the previous Order to reflect updated objectives of the Basin Plan. Modifications to effluent and receiving water limitations are summarized below.

1. Effluent limitation modifications.
   a. Effluent limitations for pH are the applicable water quality criteria for protection of surface water applied as end-of-pipe limitations and have been modified from the previous Order. Order No. 99-68 included an effluent limitation for pH of 6.5-8.5. Based on water quality objectives of the Basin Plan, this permit requires pH to be between 7.0 and 8.3.
   b. Although the Basin Plan includes a median groundwater objective of 1,500 mg/L TDS for the 180 foot aquifer Sub-Area of the Salinas River Sub-Basin, the draft Order retains the average monthly effluent limitation of 1,300 mg/L in addition to a maximum daily effluent limitation of 1,500 mg/L in order to comply with anti-backsliding requirements of the CWA. Because the Discharger monitors for TDS one time per month or less, the average monthly limitation of 1,300 mg/L becomes, in effect, a maximum daily limitation.
   c. Although Order No. 99-68 includes average monthly and maximum daily effluent limitations for chloride of 250 and 300 mg/L, respectively, the tentative Order establishes only a maximum daily limitation of 250 mg/L. This limitation is consistent with Table 3-8 of the Basin Plan.
   d. Although Order No. 99-68 does not include effluent limitations for sulfate, the tentative Order applies the median groundwater objective for sulfate of 600 mg/L for the 180 foot aquifer Sub-Area of the Salinas River Sub-Basin as an end-of-pipe effluent limitation.
   e. Although Order No. 99-68 includes average monthly and maximum daily effluent limitations for boron of 0.5 and 0.6 mg/L, respectively, the tentative Order establishes only a maximum daily limitation of 0.5 mg/L. This limitation is consistent with Table 3-8 of the Basin Plan.
   f. Order No. 99-68 includes monthly average and daily maximum effluent limitations for sodium of 600 and 720 mg/L, respectively. To remain consistent with Table 3-8 of the Basin Plan, the tentative Order only applies the applicable median groundwater objective of 250 mg/L for sodium as an end-of-pipe effluent limitation.
   g. The monthly average effluent limitation of 6 mg/l nitrate (as N) from Order No. 99-68 is not included the tentative Order. The tentative Order still contains the daily max effluent limitation of 10 mg/l nitrate (as N). Comments in Section VIII (B) of the Fact Sheet address this issue.

2. Receiving water limitation modifications. This Order adds standard discharge prohibitions related to the creation of pollution, contamination, and nuisance; adverse effects on beneficial uses; and the discharge of radioactive substances to the receiving water.

F. **Legal Authorities**

This Order is issued pursuant to CWA Section 402 and implementing regulations adopted by the U.S. EPA and CWC Chapter 5.5, Division 7. It shall serve as an NPDES permit for point source discharges

from this facility to surface waters. This Order also serves as Waste Discharge Requirements pursuant to Article 4, Chapter 4 of the CWC.

G. **Background and Rationale for Requirements**
The Regional Board developed the requirements in this Order based on information submitted as part of the Application/Report of Waste Discharge, through monitoring and reporting programs, and through special studies. Attachments A through F contain background information and detailed rationale for requirements of the Order and are hereby incorporated into this Order and, thus, constitute part of the findings for this Order.

H. **California Environmental Quality Act (CEQA)**
This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

I. **Technology-Based Effluent Limitations**
NPDES regulations at 40 CFR 122.44 (a) require that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Best Professional Judgment (BPJ), in accordance with 40 CFR 125.3. A detailed discussion of development of the technology-based effluent limitations is included in the Fact Sheet (Attachment F).

J. **Water Quality-Based Effluent Limitations**
40 CFR 122.44 (d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR 122.44 (d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. A detailed discussion of WQBELs is included in the Fact Sheet (Attachment F).

K. **Water Quality Control Plans**
The Regional Board adopted the *Water Quality Control Plan for the Central Coast Region* (hereinafter the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the receiving water (the Salinas Reclamation Canal) and to groundwater (the Salinas River 180-foot Aquifer) in the vicinity of the discharge are as follows.

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Salinas Reclamation Canal	Surface Water Warm Freshwater Habitat (WARM) Wildlife Habitat (WILD) Contact (REC-1) and Non-Contact (REC-2) Water Recreation Commercial and Sport Fishing (COMM)
001	Salinas River 180-foot Aquifer	Groundwater Domestic and Municipal Supply (MUN) Agricultural Supply (AGR) Industrial Supply (IND)

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

Requirements of this Order specifically implement the applicable Water Quality Control Plans described above.

L. **National Toxics Rule (NTR) and California Toxics Rule (CTR)**
U.S. EPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995, and November 9, 1999. The CTR was adopted on May 18, 2000, and amended on February 13, 2001. These rules include water quality criteria for priority pollutants that are applicable to this discharge.

M. **State Implementation Policy**
On March 2, 2000, the State 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 establishes procedures to implement water quality objectives of the NTR and CTR as well as water quality objectives contained in the Basin Plan. The SIP requires dischargers to submit sufficient data to determine the need for WQBELs, and it establishes procedures for determining the that need and for calculating WQBELs, when necessary.

N. **Compliance Schedules and Interim Requirements**
This Order does not include compliance schedules and interim effluent limitations.

O. **Storm Water**
The U.S. EPA, in 40 CFR Parts 122 and 123, requires specific categories of industrial activities to obtain an NPDES permit and to implement Best Management Practices to control pollutants in storm water discharges. All storm water flow from the area of the Discharger's vegetable packing facility is commingled with process wastewater and directed through screens, settling basins, and aerated lagoons prior to discharge. As such, this Order regulates the discharge of all industrial storm water from the facility.

P. **Anti-Degradation Policy**
40 CFR 131.12 requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet, Attachment F, the permitted discharge is consistent with the anti-degradation provision of 40 CFR 131.12 and State Board Resolution 68-16.

Q. **Anti-Backsliding Requirements**
This permit contains a less stringent effluent limitation for nitrate than that contained in the prior permit. Relaxation of the limitation is permissible pursuant to the antibacksliding provisions, Section 402(o)(1), of the Clean Water Act because a specific exception applies to this discharge. Two exceptions apply and are contained in 402(o)(2)(B)(i) and 402(o)(2)(C) of the Clean Water Act. Relaxation of the effluent limitation will not result in a violation of any applicable effluent limitation guideline or water quality standard.

R. **Monitoring and Reporting**
40 CFR 122.48 requires all NPDES permits to specify requirements for recording and reporting of monitoring results. CWC Sections 13267 and 13383 authorize the Regional Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. The Monitoring and Reporting Program is necessary to determine compliance with such requirements and with this Order and to determine the impact, if any, of the discharge on receiving waters. This Monitoring and Reporting Program is provided in Attachment E.

S. **Standard and Special Provisions**
Standard Provisions, which apply to all NPDES discharges and must be included in every NPDES permit in accordance with 40 CFR 122.41and 122.42, are provided in Attachment D. The Regional Board has also included in this Order special provisions applicable to the Discharger. A detailed rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

T. **Notification of Interested Parties**
The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

U. **Consideration of Public Comment**
The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

A. Wastewater discharged from Discharge Point 001 (36° 40' 16" N. latitude, 121° 38' 23" W. longitude) shall be limited to treated industrial process and storm water. Industrial process water includes cold storage melted ice, spent fresh vegetable wash, equipment wash, and evaporative cooler blowdown water.

B. The discharge of treated wastewater at a location other than authorized by this Order is prohibited.

C. The bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.A.7. of Attachment D, Federal and State Standard Provisions.

D. Creation of a condition of pollution, contamination, or nuisance, as defined by CWC Section 13050, is prohibited.

E. Adverse effects of the discharge to beneficial uses of receiving waters or to threatened or endangered species are prohibited.

F. The discharge of radioactive substances is prohibited.

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IV. FINAL EFFLUENT LIMITATIONS – DISCHARGE POINT 001

A. The discharge of treated industrial process and storm water shall maintain compliance with the following limitations at Discharge Point 001.

Constituent	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Daily Discharge Flow	mgd [1]	-	0.10	-	-
BOD5	mg/L	60	90	-	-
Suspended Solids (TSS)	mg/L	60	90	-	-
Settleable Solids	ml/L/hr	-	0.3	-	-
Total Dissolved Solids (TDS)	mg/L	1300	1500	-	-
Chloride	mg/L	-	250	-	-
Sulfate	mg/L	-	600	-	-
Sodium	mg/L	-	250	-	-
Boron	mg/L	-	0.5	-	-
Nitrate (as N)	mg/L	-	10	-	-
Dissolved Oxygen (D.O.)	mg/L	-	-	5.0	-
pH	s.u.	-	-	7.0	8.3
Acute Toxicity	% Survival	-	-	-	100 [2]

[1] mgd = million gallons per day

[2] Survival of test organisms exposed to 100 percent effluent shall not be significantly reduced when compared to the survival of control organisms using a t-test.

V. RECEIVING WATER LIMITATIONS

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following conditions to occur in the Salinas Reclamation Canal.

A. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses. Coloration attributable to materials of waste origin shall not be greater than 15 units or 10 percent above natural background color, whichever is greater.

B. Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin that cause nuisance, or that adversely affect beneficial uses.

C. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

D. Waters shall not contain suspended material in concentrations that causes nuisance or adversely affects beneficial uses.

E. Waters shall not contain settleable material in concentrations that result in deposition of material that cause nuisance or adversely affect beneficial uses.

F. Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

G. Waters shall not contain boistimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

H. 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.

I. 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:

   1. Where natural turbidity is between 0 and 50 Jackson Turbidity Units (JTU), increases shall not exceed 20 percent.
   2. Where natural turbidity is between 50 and 100 JTU, increases shall not exceed 10 JTU.
   3. Where natural turbidity is greater than 100 JTU, increases shall not exceed 10 percent.

J. For fresh water, the pH value shall not be depressed below 7.0 or raised above 8.3. Changes in normal ambient pH levels shall not exceed 0.5.

K. Dissolved oxygen concentrations in the Salinas Reclamation Canal shall not be reduced below 5 mg/L at any time. Median values should not fall below 85 percent saturation as a result of controllable water quality conditions.

L. Natural receiving water temperature of the Salinas Reclamation Canal shall not be increased by more than 5^{o} F above natural receiving temperature.

M. All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which 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.

N. The discharge of wastes shall not cause concentrations of unionized ammonia (NH_3) to exceed 0.025 mg/L (as N) in the Salinas Reclamation Canal.

O. No individual pesticide or combination of pesticides shall reach concentrations that adversely affect the beneficial uses of the receiving water. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life. For waters where existing concentrations are presently nondetectable or where beneficial uses would be impaired by concentrations in excess of nondetectable 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.

P. Waters shall not contain organic substances in concentrations greater than the following:

Constituent	Limit
Methylene Blue Activated Substances	0.2 mg/L
Phenols	0.1 mg/L
PCB's	0.3 μg/L
Phthalate Esters	0.002 μg/L

mg / L = milligrams / liter
μg / L = micrograms / liter

Q. 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, which presents a hazard to human, plant, animal, or aquatic life.

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions**. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

B. Monitoring and Reporting Program Requirements

The discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. **Re-Opener Provision**. This Order may be reopened and modified in accordance with NPDES regulations at 40 CFR 122 and 124, as necessary, to include additional conditions or limitations based on newly available information or to implement any U.S. EPA approved, new, State water quality objective.

2. **Toxicity Reduction Evaluation**. When toxicity monitoring measures acute toxicity in the effluent above the limitation established by this Order, the Discharger shall resample within 10 days and submit the results to the Executive Officer (EO). The EO will determine whether to initiate enforcement action, whether to require the Discharger to implement toxicity reduction evaluation (TRE) requirements, or to implement other measures. When required, the Discharger shall implement a TRE as outlined below. The U.S. EPA'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) shall be the basis for this evaluation.

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.
Submit to the EO a TRE study plan describing the toxicity reduction procedures to be employed.	Within 30 days of identification of noncompliance
Initiate the TRE.	Within 7 days of notification by the EO
Conduct the TRE following the procedures in the plan.	One year period or as specified in the plan
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
Return to regular monitoring after implementing corrective measures and approval by the EO.	To be determined by the EO

VII. COMPLIANCE DETERMINATION

A. Dischargers shall be deemed out of compliance with an effluent limitation if the concentration of the constituent in the monitoring sample is greater than the effluent limitation and greater than or equal to the Minimum Level (ML).

B. When determining compliance with an average monthly effluent limitation or an average weekly effluent limitation, and more than one sample result is available for the averaging period (i.e., month or week), the arithmetic mean of the data set shall be computed unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In such cases the median shall be computed in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data point, 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.

C. If only one sample is collected during the time period associated with the effluent limitations (e.g., monthly average), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

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

E. Minimum Levels (MLs), as defined by the SIP, represent the lowest quantifiable concentrations of a pollutant in water quality samples based on proper application of method-specific analytical procedures and the absence of matrix interferences. MLs also represent the lowest standard concentrations in the calibration curves for specific analytical techniques after the application of method specific factors. For reporting and compliance determinations for toxic pollutants the discharger shall use analytical methods identified in the SIP. The discharger shall select an analytical procedure for each pollutant for which the analytical procedure's corresponding Minimum Level (ML) is below the applicable effluent limitation. If the effluent limitation is below all the MLs identified for the pollutant, the discharger shall select the lowest ML (and corresponding analytical method).

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

G. As defined by the U.S. EPA at 40 CFR 122.2, average monthly discharge limitation means 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.

H. Dischargers shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater than the effluent limitation or discharge specification and greater than or equal to the Minimum Level (ML).