

## ATTACHMENT S

### STANDARD PROVISIONS AND GENERAL MONITORING, AND REPORTING REQUIREMENTS SPECIFIC TO THE CITY OF LOS ANGELES HYPERION TREATMENT PLANT ORDER NO. R4-2005-0020 (CA0109991)

#### A. Definitions

1. "Annual average" is the arithmetic mean of daily concentrations, or of daily "mass emission rates", over the specified 365-day period.

$$\text{Average} = \frac{1}{N} \sum_{i=1}^N X_i$$

in which 'N' is the number of days samples were analyzed during the period and 'X<sub>i</sub>' is either the constituent concentration (mg/L) or "mass emission rate" (kg/day or lb/day) for each day sampled.

2. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility whose operation is necessary to maintain compliance with the terms and conditions of this order and permit.
3. "Chlordane" means the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonchlor-alpha, nonchlor-gamma and oxychlordane.
4. "Composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

"Composite sample" means, for other than flow rate measurement,

- a. A combination of at least eight individual portions obtained at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling.

OR

- b. A combination of at least eight individual portions of equal volume obtained over a 24-hour period. The time interval will vary such that the volume of wastewater discharged between sampling remains constant.

The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

5. "Daily discharge" means:
  - a. For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
  - b. For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
6. "Daily maximum" limit means the maximum acceptable "daily discharge." For pollutant measurements, unless otherwise specified, the results to be compared to the "daily maximum" limit are based on "composite samples." However, it may apply to grab samples if the collection of composite samples for those constituents is not appropriate because of instability of the constituents
7. "DDT" means the sum of the 4,4'-DDT, 2,4'-DDT, 4,4'-DDE, 2,4'-DDE, 4,4'-DDD and 2,4'-DDD.
8. "Degrade" means to impair. Determination of whether degradation has occurred and of the extent to which it has occurred shall be made by analysis of species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species.
9. "Dichlorobenzenes" mean the sum of 1,2- and 1,3-dichlorobenzene.
10. "Duly authorized representative" is one whose:
  - a. Authorization is made in writing by a principal executive officer or ranking elected official;
  - b. Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. Written authorization is submitted to the Regional Board and USEPA Region IX. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Regional Board and USEPA Region IX prior to or together with any reports, information, or applications to be signed by an authorized representative.
11. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during

hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits identified in paragraphs A.6. and A.19., respectively.

12. "Halomethanes" means the sum of bromoform, bromomethane (methyl bromide), and chloromethane (methyl chloride).
13. "Hazardous substance" means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act and/or a hazardous waste, as defined in 40 CFR 261.3.
14. "HCH" shall mean the sum of the alpha, beta, gamma (Lindane), and delta isomers of hexachlorocyclohexane.
15. "Heavy metals" are, for purposes of this order and permit, arsenic, cadmium, chromium, copper, lead, mercury, silver, nickel, and zinc.
16. "Incompatible pollutants" are:
  - a. Pollutants that create a fire or explosion hazard in the POTW;
  - b. Pollutants which will cause corrosive structural damage to the POTW, or wastewaters with pH lower than 5.0 pH units, unless the facilities are specifically designed to accommodate such wastewaters;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
  - d. Any pollutant, including oxygen-demanding pollutants (e.g., BOD) released into the wastewater system at a flow rate and/or pollutant concentration that will cause interference with the POTW.
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, or heat in such quantities that the temperature at the POTW treatment plant exceeds 37°C (100°F).
17. "Indirect discharger" means a non-domestic discharger introducing pollutants into a publicly owned treatment and disposal system.
18. "Initial dilution" is the process which 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 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 nonbuoyant 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 plum reaches a fixed distance from the discharge to be specified by the Regional Board, whichever results in the lower estimate for initial dilution.

19. "Instantaneous maximum" concentration is defined as the maximum value measured from any single "grab sample."
20. "Interference" discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal and is a cause of a violation of the POTW's NPDES permit or prevents lawful sludge use or disposal.
21. "Kelp beds" are, for purposes of the bacteriological standards of this order and permit, significant aggregations of marine algae of the genus Macrocystis. Kelp beds include the total foliage canopy of Macrocystis plants throughout the water column. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelpbeds for purposes of bacteriological standards.
22. Land application is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.
23. "Log mean" is the geometric mean. Used for determining compliance with bacteriological standards, 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 that were analyzed during the period and 'C' is the concentration of bacteria (MPN/100mL) found on each day of sampling.

24. "Mass emission rate" is obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.337}{N} \sum_{i=1}^N Q_i C_i$$

$$\text{Mass emission rate (kg/day)} = \frac{3.785}{N} \sum_{i=1}^N Q_i C_i$$

in which 'N' is the number of samples analyzed in any calendar day. 'Q<sub>i</sub>' and 'C<sub>i</sub>' are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the 'N' grab samples, which may be taken in any calendar day. If a composite sample is taken, 'C<sub>i</sub>' is the concentration measured in

the composite sample and 'Q<sub>i</sub>' is the average flow rate occurring during the period over which samples are composited.

The daily concentration of all constituents shall be determined from the flow-weighted average of the same constituents in the combined waste streams as follows:

$$\text{Daily concentration} = \frac{1}{Q_t} \sum_{i=1}^N Q_i C_i$$

in which 'N' is the number of component waste streams. 'Q<sub>i</sub>' and 'C<sub>i</sub>' are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the 'N' waste streams. 'Q<sub>t</sub>' is the total flow rate of the combined waste streams.

25. "Maximum allowable mass emission rate, "whether for a 24-hour, 7-day, 30-day (monthly), or 6-month period, is a limitation expressed as a daily rate determined with the formulas in paragraph A.24, above, using the effluent concentration limit specified in this order and permit for the period and the specified allowable flow.
26. MDL (Method Detection Limit) is the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero, as defined in 40 CFR 136 Appendix B.
27. "Median" of an ordered set of values is that value below and above which there is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.
28. "ML" (Minimum level) represents the lowest quantifiable concentration in a sample based on the proper application of method-specific analytical procedures and the absence of matrix interferences. MLs also represent the lowest standard concentration in the calibration curve for a specific analytical technique after the application of appropriate method-specific factors. The reported Minimum Level (RML) is the Minimum Level (ML) chosen by the Discharger for reporting and compliance determination from the Minimum Levels listed in Appendix II of the 2001 Ocean Plan.
29. "Monthly average" is the arithmetic mean of daily concentrations, or of daily "mass emission rates", over the specified monthly period:

$$\text{Average} = \frac{1}{N} \sum_{i=1}^N X_i$$

in which 'N' is the number of days samples were analyzed during the period and 'X<sub>i</sub>' is either the constituent concentration (mg/L) or mass emission rate (kg/day or lb/day) for each sampled day.

30. "Natural light" is used in this order and permit to mean the transmittance and total irradiance of sunlight.
31. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities.
32. "PAHs" (polynuclear aromatic hydrocarbons) 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.
33. "Pass through" is defined as the discharge through the POTW to navigable waters which, alone or in conjunction with discharges from other sources, is a cause of a violation of POTW's NPDES permit.
34. "PCBs" (polychlorinated biphenyls) 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.
35. "Pollutant-free wastewater" means infiltration and inflow, storm water, cooling waters, and condensates which are essentially free of pollutants.
36. "Priority pollutants" are those constituents referred to in 40 CFR 401.15. a list of these pollutants is provided as appendix A to 40 CFR 423.
37. "Removal efficiency" is the ratio of pollutants removed by the treatment facilities to pollutants entering the treatment facilities. Removal efficiencies of a treatment plant shall be determined using "30-day averages" of pollutant concentrations ('C' in mg/L) of influent and effluent samples collected at about the same time and using the following equation (or its equivalent):  
  
$$\text{Removal Efficiency (\%)} = 100 \times [1 - (C_{\text{Effluent}}/C_{\text{Influent}})]$$
  
  
When preferred, the discharger may substitute mass loadings and mass emissions for the concentrations.
38. "Severe property damage" means substantial physical damage, to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a "bypass" or "overflow." It does not mean economic loss caused by delays in production.
39. "Shellfish" are organisms identified by the California Department of Health Services as shellfish for public health purposes (i.e., mussels, clams, and oysters).
40. "Significant" is used in a statistical sense in this order and permit. Specifically, the difference between two distributions of sampling results shall be considered significant if the difference between the mean values of the two distributions can be observed with a confidence level of 95 percent or greater.

41. "Six-month median" means a moving "median" of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.
42. "Sludge" means the solids, semi-liquid suspensions of solids, residues, screenings, grit, scum, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system. It also includes, but is not limited to, all supernatant, filtrate, centrate, decantate, and thickener overflow/underflow in the solids handling parts of the wastewater treatment system.
43. "Statistical analyses" that are useful in determining temporal and spatial trends in the marine environment include, but are not limited to, the following:
  - a. Mean and standard deviation ( $x \pm s.d.$ )
  - b. Regression analyses (univariate and multivariate)  
[e.g., correlation coefficients ( $r$ )]
  - c. Parametric statistics  
[e.g., Student's t-test, analysis of variance (ANOVA), Student-Newman-Keuls test (SNK), t-test for paired comparisons]
  - d. Nonparametric statistics  
[e.g., Mann-Whitney U-test, Kruskal-Wallis one-way ANOVA, Friedman two-way ANOVA, chi-square test (or G-test)]
  - e. Multivariate techniques  
[e.g., discriminant analysis, classification analyses (cladistic/parsimony analysis of endemism, or phenetic clustering), non-metric multidimensional scaling (NMDS), principal component analysis (PCA), principal coordinate analysis (PCOA), and/or multivariate ANOVA (MANOVA)]
  - f. Biological indices  
[e.g., species richness (S), Margalef (d), Shannon-Wiener (H'), Brillouin (H), Simpson (SI), Gleason, Infaunal Trophic Index (ITI), evenness, Benthic Response Index (BRI), phylogenetic diversity, and taxonomic distinctiveness]
44. TCDD equivalents mean the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below:

<u>Isomer Group</u>	<u>Toxicity Equivalence Factor</u>
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

45. "Toxic pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D. Violation of maximum daily discharge limitations are subject to the 24-hour reporting requirement (paragraph E.3.).
46. "Toxicity" means:
- Acute toxicity: measures effects of relatively short-term exposures on a selected organism, with mortality the generally designated endpoint.
- Chronic toxicity: measures effects of exposure on selected organisms, with either mortality or various sublethal effects generally the designated endpoints. The chronic tests are usually longer-term than acute tests or test a very critical life stage of the organism.
47. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations in the order and permit because of factors beyond the reasonable control of the discharger. It does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation, or those problems the discharger should have foreseen.
48. "Waste", "waste discharge", "discharge of waste", and "discharge" are used interchangeably in this order and permit. The requirements of this order and permit are applicable to the entire volume of water, and the material therein, which is disposed of to ocean waters.
49. 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.
50. "Weekly average" is the arithmetic mean of daily concentrations, or of daily mass emission rates, over the specified weekly period:

$$\text{Average} = \frac{1}{N} \sum_{i=1}^N X_i$$



in which "N" is the number of days samples were analyzed during the period and "X<sub>i</sub>" is either the constituent concentration (mg/L) or mass emission rate (kg/day or lb/day) for each sampled day.

51. "Zone of initial dilution" (ZID) means, for purposes of designating monitoring stations, the region within a horizontal distance equal to a specified water depth (usually depth of outfall or average depth of diffuser) from any point of the diffuser or end of the outfall and the water column above and below that region, including the underlying seabed.

**B. Prohibitions**

1. Introduction of "incompatible pollutants" to the treatment system is prohibited.
2. Discharge of any radiological, chemical, or biological warfare agent or high-level radioactive "waste" into the ocean is prohibited.
3. Discharge of "toxic pollutants" in violation of effluent standards or prohibitions established under Section 307(a) of the Clean Water Act is prohibited.
4. Pipeline discharge of "sludge" or sludge drying bed leachate to the ocean is prohibited; the discharge of municipal and 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 directly to the ocean, or to a "waste" stream that discharges to the ocean without further treatment, is prohibited.
5. Intentional introduction of pollutants into the collection, treatment, or disposal system by an "indirect discharger" that may: (a) inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or (b) flow through the system to the receiving water is prohibited.
6. Intentional introduction of "pollutant free wastewater" to the collection, treatment, and disposal system is prohibited.
7. Any "overflow" or "bypass" of facilities, including the "waste" collection system, is prohibited. The Regional Board and USEPA may take enforcement action against the discharger for "bypass," unless:
  - a. when "overflow" or "bypass" was unavoidable to prevent loss of life, personal injury, or "severe property damage";
  - b. when excessive stored drainage or runoff would damage, any facilities necessary for compliance with the effluent limitations and prohibitions of this order and permit;
  - c. where there were no feasible alternatives to the "overflow" or "bypass," such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. (This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent an

"overflow" or "bypass" which could occur during normal periods of equipment down time or preventive maintenance.); and

- d. when the discharger submitted a notice in advance of the need for an "overflow" or "bypass," to the State Department of Health Services, Los Angeles County Department of Health Services, Regional Board, and USEPA Region IX at least ten days before the "overflow" or "bypass."

For an unanticipated "overflow" or "bypass," the discharger shall notify the Regional Board and USEPA Region IX of each such "overflow" or "bypass," in accordance with procedures outlined in paragraph E.3. of General Reporting Requirements. The written confirmation shall include information relative to the location; estimated volume; chemical analysis of a grab sample of the "bypass" or "overflow" for all limited pollutant parameters; date and time; duration; cause; and remedial measures taken to effect cleanup and/or to prevent recurrence. In the event that an "overflow" or "bypass" lasts for more than 24 hours, the permittee shall sample as required by the routine monitoring program and shall demonstrate compliance with "Daily Maximum" and other applicable effluent limitations. Immediate measures shall be initiated to clean up wastes due to any such "overflow" or "bypass" and to abate the effects thereof or, in the case of threatened pollution or nuisance, to take other necessary remedial action.

8. Odors, vectors, and other nuisances of sewage or "sludge" origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Regional Board or USEPA, are prohibited.

**C. Provisions**

1. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
2. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with this order and permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. All of these procedures shall be described in an Operation and Maintenance Manual. The discharger shall keep in a state of readiness all systems necessary, at any time, to achieve compliance with the conditions of this order and permit. All systems, both those in service and reserve, shall be inspected and maintained on a regular basis. Records shall be kept of the tests and made available to the regulatory agencies.
3. All facilities used for collection, transport, treatment, or disposal of "wastes" shall be adequately protected against damage resulting from "overflow", washout, or inundation from a storm or flood having a recurrence interval of once in 100 years.

4. Collection, treatment, and disposal systems shall be operated in a manner that precludes public contact with wastewater.
5. Collected screenings, "sludges," and other solids removed from liquid "wastes" shall be disposed of in a manner approved by the Executive Officer of the Regional Board.
6. Wastewater treatment facilities subject to this order and permit shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations (Section 13625 of the California Water Code).
7. The Regional Board, USEPA, and other authorized representatives shall be allowed:
  - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this order and permit;
  - b. Access to copy any records that must be kept under the conditions of this order and permit;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this order and permit; and
  - d. To photograph, sample, and monitor for the purpose of assuring compliance with this order and permit.
8. After notice and opportunity for a hearing, this order and permit may be terminated or modified for cause, including, but not limited to:
  - a. Violation of any term or condition contained in this order and permit;
  - b. Obtaining this order and permit by misrepresentation, or by failure to disclose fully all relevant facts;
  - c. Endangerment to human health or environment that can only be regulated to acceptable levels by order and permit modification or termination; and
  - d. Any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
9. This order and permit does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under federal, state or local laws, nor create a vested right for the discharger to continue the "waste" discharge.

10. The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this order and permit which has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as necessary to determine the nature and impact of the violation.
11. The provisions of this order and permit are severable. If any provision of this order and permit is found invalid, the remainder of this order and permit shall not be affected.
12. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for "toxic pollutants" within the time provided in the regulations that establish these standards or prohibitions, even if this order and permit has not yet been modified to incorporate the requirement. If such standards or prohibitions are more stringent than any limitation upon such pollutants in this order and permit, this order and permit shall be modified or reissued by the Regional Board and USEPA Region IX in accordance with such toxic effluent standards or prohibitions and so notify the discharge.
13. If additional or revised water quality standards are approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Board and USEPA Region IX will revise and modify this order and permit in accordance with such more stringent standards.
14. The discharger shall furnish, within a reasonable time, any information the Regional Board or USEPA Region IX may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this order and permit, or to determine compliance with this order and permit.
15. The discharger shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and maintenance and shall provide for periodic testing. If such alternate power source is not in existence, the discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power.
16. This permit may be reopened and modified by the permitting authorities to incorporate any new regulations promulgated for the use and disposal of sewage sludge under Section 405 of the Clean Water Act, new methods, sampling or reporting requirements, or other requirements of state or local authorities.
17. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.
18. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

**D. General Monitoring Requirements**

1. Influent, effluent, and receiving water monitoring must be conducted according to the current test procedures approved by USEPA under 40 CFR 136, entitled 'Guidelines Establishing Test Procedures for the Analysis of Pollutants,' unless other test procedures have been specified in this order and permit. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. In addition, the Regional Board and USEPA, at their discretion, may specify tests which are more sensitive than those found in the above guidelines. Test methods used in the analyses shall be included in the reports.
2. The discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. An annual report shall be submitted by April 15th of each year which summarizes the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent of the samples or at least one sample per month, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples. When requested by USEPA, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger must have a success rate equal to or greater than 80 percent.
3. Water quality analyses performed in order to monitor compliance with this order and permit shall be by a laboratory certified by the California Department of Health Services Environmental Laboratory Accreditation Program (ELAP) for the constituent(s) being analyzed. Bioassay(s) performed in order to monitor compliance with this order and permit shall be in accordance with guidelines approved by the State Water Resources Control 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 ELAP, or where appropriate, the Department of Fish and Game, due to restrictions in the State's laboratory certification program, or in cases where certification does not exist for other reasons, the discharger shall be considered in compliance with this provision provided:
  - a. Data results remain consistent with results of samples analyzed by the Regional Board;
  - b. 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 Regional Board and USEPA; and
  - c. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
4. Influent samples shall be representative of the influent to the treatment plants. If possible, influent samples shall be taken at all points of inflow to the wastewater treatment plants, upstream of any in-plant return flows.

5. Effluent samples shall be taken downstream of the last addition of waste to the discharge works where a representative sample may be obtained prior to mixing with the receiving waters.
6. The results of any monitoring which is conducted, using approved test procedures and at locations specified in this order and permit, more frequently than required by this order and permit shall be included in calculations and reports.
7. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. The flow measurement system shall be calibrated at least once per year, or more frequently as necessary, to ensure continued accuracy of the system.
8. The discharger shall maintain records of all monitoring information, including all calibration and maintenance records; all original strip chart recordings for continuous monitoring instrumentation; the date, exact place, and time of sampling of measurements; the individual(s) who performed the sampling or measurements; the date(s) analyses were performed; the laboratory and individual(s) who performed the analyses; the analytical techniques or methods used; and results of all analyses. Records shall be maintained for a minimum of five years. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board or USEPA Region IX. It is recommended that the discharger maintain the results of all analyses indefinitely.

**E. General Reporting Requirements**

1. Monitoring results shall be reported at intervals and in a manner specified in the "Monitoring and Reporting Program" of this order and permit.
2. Records and reports of marine monitoring surveys conducted to meet receiving water monitoring requirements of the "Monitoring and Reporting Program" shall include, as a minimum, the following information:
  - a. 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 or measurements, tide height, etc.).
  - b. The date, exact place and description of sampling stations, including differences unique to each station (e.g., station location, sediment grain size, distribution of bottom sediments, rocks, shell litter, calcareous worm tubes, etc.).
  - c. The individual(s) who performed the sampling or measurements and a description of the sample collection and preservation procedures used in the survey.
  - d. A description of the specific method used for laboratory analysis. In general, analyses shall be conducted according to paragraph D.1. of General Monitoring Requirements. However, variations in procedure may

- be acceptable to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.
- e. The date(s) the analyses were performed and the individuals who performed them.
  - f. An in-depth discussion of the results of the survey. The discussion shall compare data from the reference station(s) with data from the outfall stations. All tabulations and computations shall be explained.
3. Any noncompliance that may endanger health or the environment shall be reported verbally immediately, and in no case later than 24 hours from the time the discharger becomes aware of the noncompliance, to the State Department of Health Services; Los Angeles County Department of Health Services; Regional Board (213) 576-6720; USEPA Region IX (415) 972-3505; and the Office of Emergency Services (800) 852-7550 or (916) 262-1621. Unless waived by the Executive Officer, a written report shall be submitted to the four agencies listed above within five days of awareness of noncompliance and shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates, times) or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. This provision includes but is not limited to:
    - a. Violation of a discharge prohibition;
    - b. Any "upset", "overflow", or unanticipated "bypass" that exceeds an effluent limitation; and
    - c. Violation of a maximum daily discharge limitation for any "toxic pollutant" or "hazardous substance."
  4. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule shall be submitted within 14 days following each scheduled date unless otherwise specified within this order and permit. If reporting noncompliance, the report shall 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 shall be submitted within 14 days of full compliance.
  5. All instances of noncompliance not reported under paragraph numbers E.3., and E.4., of General Reporting Requirements shall be reported at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph E.3.
  6. The permittee shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility or any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
  7. Within 90 days after the "30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities subject to this order and permit, the agency which owns such facilities shall

file a written report with the Regional Board and USEPA Region IX. The agency's senior administrative officer shall sign a letter, which transmits that report and certifies that the discharger's policy-making body is adequately informed about the report's contents. The report shall include:

- a. The average daily flow for the month, the date on which the peak flow occurred, the rate of that peak flow, and the total flow for the day;
- b. The best estimate of when the monthly average daily dry-weather flow rate will equal or exceed the design capacity of the facilities; and
- c. 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. (Reference: Sections 13260, 13267(b), and 13268, Calif. Water Code.)

This requirement is applicable to those facilities which have not reached 75 percent of capacity as of the effective date of this order and permit. For those facilities that have reached 75 percent of capacity by that date but for which no such report has been previously submitted, such report shall be filed within 90 days of the issuance of this order and permit.

8. The discharger shall submit all reports required by this order and permit to the following agencies, as appropriate, unless otherwise specified by the agencies:

California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013  
Attention: Information Technology Unit

Regional Administrator  
United States Environmental Protection Agency, Region IX  
DMR/NPDES, MAILCODE: WTR-7  
75 Hawthorne Street  
San Francisco, CA 94105

9. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Regional Board and USEPA Region IX 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 dates for transfer of responsibility, coverage, and liability between them. Whether an order and permit may be transferred without modification or revocation and reissuance: is at the discretion of the Regional Board and USEPA Region IX. If order and permit modification or revocation and reissuance is necessary, transfer may be delayed 180 days after the Regional Board's and USEPA Region IX's receipt of a complete application for waste discharge requirements and an NPDES permit.



10. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
11. All reports required by this order and permit and other information requested by the Regional Board or USEPA Region IX shall be signed by a principal executive officer or ranking elected official, or by a "duly authorized representative" of that person.
12. Any person signing a report shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
13. The discharger must notify the Regional Board and USEPA Region IX whenever:
  - a. There is a new introduction of pollutants into the sewer system from an "indirect discharger" which would be subject to Section 301 or 306 under the Clean Water Act if it were directly discharging these pollutants.
  - b. There is a substantial change in the volume or character of pollutants being discharged into the sewage system by a source introducing pollutants at the time of order adoption and permit issuance.
  - c. Notice shall include information on the quality and quantity of waste being introduced to the system and the anticipated impact of the waste upon the quality and quantity of the aggregate discharge.
14. By April 15th of each year, the discharger shall submit an annual report to the Regional Board and USEPA Region IX. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. The discharger shall discuss the compliance record and corrective actions taken, or which may be needed, to bring the discharge into full compliance with this order and permit. The report shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall include the date of the facilities' Operation and Maintenance Manual, the date the manual was last reviewed, and whether the manual is complete and valid for the current facilities. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with this order and permit and provide a summary of performance relative to paragraph D, General Monitoring Requirements.

**F. Enforcement**

1. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.
2. Under California Water Code 13387, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this order and permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained in this order and is subject to a fine of not more than \$25,000 or imprisonment of not more than two years, or both. For a second conviction, such a person shall be punished by a fine of not more than \$25,000 per day of violation, or by imprisonment of not more than four years, or by both.
3. Under the Clean Water Act, violation of any of the provisions of the NPDES program or of any of the provisions of this order and permit may subject the violator to the civil and criminal penalties set forth in CWA Section 309, including but not limited to the following:
4. Any person who causes a violation of any condition in this order and permit is subject to a civil penalty not to exceed \$25,000 per day of each violation.
5. Any person who negligently violates any condition in this order and permit is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or by both.
6. Any person who knowingly violates any condition of this permit is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment of not more than three years, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$100,000 per day of violation, or by imprisonment of not more than six years, or by both.
7. Any person who knowingly violates any condition of this order and permit and knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or by both. A person which is an organization and violates this provision shall be subject to a fine of not more than \$1,000,000 for a first conviction. For a second conviction of this provision, the maximum fine and imprisonment shall be doubled.

8. Any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this order and permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained in this order and permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. For a second conviction, such a person is subject to a fine of not more than \$20,000 per day of violation or imprisonment of not more than four years, or both.
9. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this order and permit.
10. A discharger seeking to establish the occurrence of an "upset" has the burden of proof. A discharger who wishes to establish the affirmative defense of "upset" shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An "upset" occurred and that the discharger can identify the cause(s) of the "upset";
  - b. The permitted facility was, at the time of "upset," being properly operated;
  - c. The discharger submitted notice of "upset" as specified in paragraph E.3. of General Reporting Requirements; and
  - d. The discharger complied with any remedial measures required under paragraph C.10. of Provisions.

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