

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
320 West 4<sup>th</sup> Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 • Fax (213) 576-6640  
Los Angeles Regional Water Quality Control Board  
<http://www.waterboards.ca.gov/losangeles>  
**ORDER R4-2021-XXXX**  
**NPDES NUMBER CA0053619****

**WASTE DISCHARGE REQUIREMENTS FOR THE JOINT OUTFALL SYSTEM,  
POMONA WATER RECLAMATION PLANT, LOS ANGELES COUNTY, DISCHARGE  
TO SOUTH FORK SAN JOSE CREEK**

The following Discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

**Table 1. Discharge Information**

Discharger:	Joint Outfall System (JOS, Discharger, or Permittee)
Name of Facility:	Pomona Water Reclamation Plant (Pomona WRP or Facility)
Facility Address:	295 Humane Way Pomona, CA 91766 Los Angeles County

**Table 2. Discharge Location**

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Tertiary treated wastewater	34. 0552°	-117.7955 °	South Fork San Jose Creek

**Table 3. Administrative Information**

This Order was adopted on:	<b>June 10, 2021</b>
This Order shall become effective on:	<b>August 1, 2021</b>
This Order shall expire on:	<b>July 31, 2026</b>
The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	<b>180 days prior to the Order expiration date</b>
The United States Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board, Los Angeles Region have classified this discharge as follows:	<b>Major</b>

I, Renee Purdy, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on **the date indicated above**.

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Renee Purdy, Executive Officer

**TABLE OF CONTENTS**

1. FACILITY INFORMATION..... 4  
2. FINDINGS..... 4  
3. DISCHARGE PROHIBITIONS..... 5  
4. EFFLUENT LIMITATIONS AND DISCHARGE PROHIBITIONS..... 5  
    4.1. Effluent Limitations – Discharge Point 001..... 5  
    4.2. Land Discharge Specifications – Not Applicable ..... 10  
    4.3. Recycling Specifications ..... 10  
5. RECEIVING WATER LIMITATIONS ..... 10  
    5.1. Surface Water Limitations ..... 10  
    5.2. Groundwater Limitations ..... 12  
6. PROVISIONS..... 12  
    6.1. Standard Provisions..... 12  
    6.2. Monitoring and Reporting Program (MRP) Requirements ..... 16  
    6.3. Special Provisions..... 16  
7. COMPLIANCE DETERMINATION ..... 29

**TABLE OF TABLES**

Table 1. Discharger Informaion..... 1  
Table 2. Discharge Location ..... 1  
Table 3. Administrative Information..... 1  
Table 4. Effluent Limitations..... 5  
Table 5. Effluent Limitations for Radioactivity..... 9  
Table 6. Interim Effluent Limitations ..... 10  
Table 7. Compliance Schedule & Milestone Dates..... 28

**TABLE OF ATTACHMENTS**

ATTACHMENT A – DEFINITIONS .....A-1  
ATTACHMENT B1 – MAP OF POMONA WRP & SURROUNDING AREA.....B-1  
ATTACHMENT B2 –MAP OF DISCHARGE POINT & RECEIVING WATER STATIONS  
.....B-2  
ATTACHMENT C – FLOW SCHEMATIC.....C-1  
ATTACHMENT D – STANDARD PROVISIONS .....D-1  
ATTACHMENT E – MONITORING AND REPORTING PROGRAM.....E-1  
ATTACHMENT F – FACT SHEET .....F-1  
ATTACHMENT G - TOXICITY REDUCTION EVALUATION (TRE) WORK PLAN ..... G-1  
ATTACHMENT H – PRETREATMENT PROGRAM REQUIREMENTS .....H-1

## 1. FACILITY INFORMATION

Information describing the Pomona Water Reclamation Plant (Pomona WRP or Facility) is summarized in Table 1 and in sections 1 and 2 of the Fact Sheet (Attachment F). Section 1 of the Fact Sheet also includes information regarding the Facility's permit application.

## 2. FINDINGS

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board), finds:

- 2.1. **Legal Authorities.** This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (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 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 the Discharger to discharge into waters of the United States at the discharge location described in Table 1 subject to the WDRs in this Order.
- 2.2. **Background and Rationale for Requirements.** The Los Angeles Water Board developed the requirements in this Order based on information submitted as part of the application and monitoring and reporting program, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E and G through I are also incorporated into this Order.
- 2.3. **Provisions and Requirements Implementing State Law.** The provisions and requirements in subsections 4.2, 4.3, and 5.2 are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- 2.4. **Notification of Interested Parties.** The Los Angeles Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.
- 2.5. **Consideration of Public Comment.** The Los Angeles Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

THEREFORE, IT IS HEREBY ORDERED that Order Nos. R4-2014-0212 and R4-2014-0212-A01 are rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the

Discharger shall comply with the requirements in this Order. This action in no way prevents the Los Angeles Water Board from taking enforcement action for violations of the previous Order.

**3. DISCHARGE PROHIBITIONS**

- 3.1. Discharge of treated wastewater at a location different from that described in this Order is prohibited.
- 3.2. 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 1.7. of Attachment D, Standard Provisions.
- 3.3. The monthly average effluent dry weather discharge flow rate from the facility shall not exceed the 15.0 million gallons per day (MGD) design capacity.
- 3.4. The Permittee shall not cause degradation of any water body, except as consistent with State Water Board Resolution No. 68-16.
- 3.5. The treatment or disposal of wastes from the facility shall not cause pollution or nuisance as defined in section 13050, subdivisions (l) and (m), of the Water Code.
- 3.6. The discharge of any substances in concentrations toxic to human, animal, plant, or aquatic life is prohibited.
- 3.7. The discharge of any radiological, chemical, or biological warfare agent or high-level radiological waste is prohibited.
- 3.8. The discharge of trash to surface waters of the State or the deposition of trash where it may be discharged into surface waters of the State is prohibited.

**4. EFFLUENT LIMITATIONS AND DISCHARGE PROHIBITIONS**

**4.1. Effluent Limitations – Discharge Point 001**

- 4.1.1. Final Effluent Limitations – Discharge Point 001
  - a. The Permittee shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program (MRP), Attachment E:

**Table 4. Effluent Limitations**

<b>Parameter</b>	<b>Units</b>	<b>Average Monthly</b>	<b>Average Weekly</b>	<b>Maximum Daily</b>	<b>Notes</b>
Biochemical Oxygen Demand (BOD <sub>5</sub> 20°C)	mg/L	20	30	45	---
BOD <sub>5</sub> 20°C	lbs/day	2,500	3,800	5,600	Note a
Total Suspended Solids (TSS)	mg/L	15	40	45	---

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Notes
TSS	lbs/day	1,900	5,000	5,600	Note a
Removal Efficiency for BOD & TSS	%	≥85	---	---	---
Oil & Grease	mg/L	10	---	15	---
Oil & Grease	lbs/day	1,300	---	1,900	Note a
Settleable Solids	mL/L	0.1	---	0.3	---
Total Residual Chlorine	mg/L	---	---	0.1	---
Total Residual Chlorine	lbs/day	---	---	13	Note a
Temperature	°F	---	---	80	Note b
Total coliform	MPN or CFU/100 mL	23	2.2	240	Note c
Total Dissolved Solids (TDS)	mg/L	750	---	---	---
Total Dissolved Solids (TDS)	lbs/day	93,800	---	---	Note a
Sulfate	mg/L	300	---	---	---
Sulfate	lbs/day	38,000	---	---	Note a
Chloride	mg/L	180	---	---	---
Chloride	lbs/day	23,000	---	---	Note a
Boron	mg/L	1.0	---	---	---
Boron	lbs/day	125	---	---	Note a
Ammonia Nitrogen (ELS Present)	mg/L	3.0	---	6.1	Note d
Ammonia Nitrogen (ELS Present)	lbs/day	375	---	760	Notes a & e
Ammonia Nitrogen (ELS Absent)	mg/L	3.9	---	7.9	Note f
Ammonia Nitrogen (ELS Absent)	lbs/day	490	---	988	Notes a & g
Nitrate + Nitrite as N	mg/L	8	---	---	---
Nitrate + Nitrite as N	lbs/day	1000	---	---	Note a
Nitrite as N	mg/L	1	---	---	---
Nitrite as N	lbs/day	125	---	---	Note a
Methylene blue active substances (MBAS)	mg/L	0.5	---	---	---

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Notes
MBAS	lbs/day	60	---	---	Note a
Lead (Wet weather)	µg/L	---	---	166	Note h
Selenium (Dry weather)	µg/L	4.7	---	6.2	Note i
Silver	µg/L	4.2	---	15	---
Silver	lbs/day	0.53	---	1.9	Note a
Total trihalo-methanes (TTHMs)	µg/L	80	---	---	Note j
TTHMs	lbs/day	10	---	---	Note a
Dieldrin	µg/L	0.00014	---	0.00028	---
Dieldrin	lbs/day	0.000017	---	0.000035	Note a
Chronic Toxicity <i>Ceriodaphnia dubia</i> Survival and reproduction endpoints	Pass or Fail (Test of Significant Toxicity (TST)), % Effect	Pass	---	Pass (TST) or % Effect < 50 (survival endpoint)	Notes k & l

**Footnotes for Table 4**

- a. The mass-based effluent limitations are based on the plant design flow rate of 15.0 MGD, and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day. During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations shall be the only applicable effluent limitations.
- b. There is an interim effluent limitation for temperature included in section 4.1.2 for the duration of the compliance schedule.
- c. The wastes discharged to water courses shall always be adequately disinfected. For the purpose of this requirement, the wastes shall be considered adequately disinfected if (1) the median number of total coliform bacteria at some point in the treatment process does not exceed a 7-day median of 2.2 Most Probable Number (MPN) or Colony Forming Units (CFU) per 100 milliliters utilizing the bacteriological results of the last seven (7) days for which an analysis has been completed, (2) the number of total coliform bacteria does not exceed 23 MPN or CFU per 100 milliliters in more than one sample within any 30-day period, and (3) no sample shall exceed 240 MPN or CFU of total coliform bacteria per 100 milliliters. Samples shall be collected at a time when wastewater flow and characteristics are most demanding on treatment facilities and disinfection processes.
- d. This seasonal final effluent limitation is derived from the site specific objective for ammonia nitrogen, when early life stage fish are present (ELS present), contained in Table 3-4 of the Basin Plan and translated according to the procedures contained in the Implementation Provisions on pages 3-16 to 3-25 of the Basin Plan. This limitation applies from April 1 through September 30.

- e. This final limitation is the mass emission rate for ammonia nitrogen for the corresponding ELS present concentration-based effluent limitation, based upon Table 3-4 of the Basin Plan. This limitation applies from April 1 through September 30.
- f. This seasonal final effluent limitation is derived from the site specific objective for ammonia nitrogen, when early life stage fish are absent (ELS absent), contained in Table 3-4 of the Basin Plan and translated according to the procedures contained in the Implementation Provisions on pages 3-16 to 3-25 of the Basin Plan. This limitation applies from October 1 through March 31.
- g. This final effluent limitation is the mass emission rate for ammonia nitrogen for the corresponding ELS absent concentration-based effluent limitation, based upon Table 3-4 of the Basin Plan. This limitation applies from October 1 through March 31.
- h. This final effluent limitation for lead is derived from the wet-weather final waste load allocation, as set forth in the *Total Maximum Daily Loads for Metals and Selenium for the San Gabriel River and Impaired Tributaries (SGR Metals TMDL)*, promulgated by USEPA Region IX, on March 26, 2007, and the Implementation Plan for the *SGR Metals TMDL*, contained in Chapter 7-20 of the Basin Plan. Consistent with the Implementation Plan for the *SGR Metals TMDL*, the wet weather waste load allocation was translated into effluent limitations by applying the procedures in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). This effluent limitation applies only during wet weather, when the flow in the San Gabriel River is greater than or equal to 260 cubic feet per second (cfs), measured at USGS flow gauging station 11087020, located above the Whittier Narrows dam.
- i. This final effluent limitation for selenium is derived from the dry weather final waste load allocation, as set forth in the *SGR Metals TMDL*, promulgated by USEPA Region IX, on March 26, 2007, and the Implementation Plan for the *SGR Metals TMDL*, contained in Chapter 7-20 of the Basin Plan. Consistent with the Implementation Plan for the *SGR Metals TMDL*, the dry-weather waste load allocation was translated into effluent limitations by applying the procedures in the SIP. This effluent limitation applies only during dry weather, when the flow in the San Gabriel River is less than 260 cubic feet per second (cfs), measured at United States Geological Survey (USGS) flow gauging station 11087020, located above the Whittier Narrows dam.
- j. Total trihalomethanes is the sum of concentrations of the trihalomethane compounds: bromodichloromethane, bromoform, chloroform, and dibromochloromethane.
- k. A numeric WQBEL for chronic toxicity is established because effluent data showed that there was reasonable potential for the effluent to cause or contribute to an exceedance of the chronic toxicity water quality objective. The chronic toxicity final effluent limitation is protective of both the numeric acute toxicity and the narrative toxicity Basin Plan water quality objectives. This final effluent limitation will be implemented using current USEPA guidance in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, June /2010)* and *EPA Regions 8, 9 and 10 Toxicity Training Tool (January 2010)*, <https://www.epa.gov/sites/production/files/documents/ToxTrainingTool10Jan2010.pdf>.
- l. The average monthly is a Median Monthly Effluent Limitation (MMEL), and the MMEL shall be reported as "Pass" or "Fail." The Maximum Daily Effluent Limitation (MDEL) shall be reported as "Pass" or "Fail" and "% Effect." If the initial chronic aquatic toxicity monitoring test conducted in the beginning of the month results in a "Fail" at the instream waste concentration (IWC), then the Pomona WRP shall initiate up to two additional chronic aquatic toxicity tests in the remainder of the month, to determine compliance with the MMEL.



**End of Footnotes for Table 4**

**Table 5. Effluent Limitations for Radioactivity**

<b>Parameter</b>	<b>Units</b>	<b>Average Monthly</b>	<b>Notes</b>
Combined Radium-226 and Radium-228	pCi/L	5	Note a
Gross Alpha particle activity (excluding radon and uranium)	pCi/L	15	Note a
Uranium	pCi/L	20	Note a
Gross Beta/photon emitters	millirem/ year	4	Note a
Strontium-90	pCi/L	8	Note a
Tritium	pCi/L	20,000	Note a

**Footnotes for Table 5**

- a. The radioactivity final effluent limitations are derived from 22 CCR § 64442 and § 64443. The incorporation by reference is prospective including future changes to the incorporated provisions as changes take effect.

**End of Footnotes for Table 5**

- b. The pH shall be maintained in the final effluent within the limits of 6.5 and 8.5.
- c. For the protection of the water contact recreation beneficial use, the wastes discharged to water courses shall have received adequate treatment, so that the turbidity of the treated wastewater does not exceed any of the following: (a) an average of 2 Nephelometric Turbidity Units (NTU) within a 24-hour period, (b) 5 NTU more than 5 percent of the time (72 minutes) within a 24-hour period, and (c) 10 NTU at any time.
- d. To protect the underlying ground water basins, pollutants shall not be present in the discharge at concentrations that pose a threat to groundwater quality.
- 4.1.2. Interim Effluent Limitations

This Order includes a new, more stringent effluent limitation for temperature based on a new interpretation of the water quality objective for temperature contained in the Basin Plan. Consistent with Section 1.e. of the State Water Board’s Resolution 2008-0025 - Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy), the Discharger shall have ten years to implement actions specified in Table 7, section 6.3.7 of this Order, to comply with the more stringent permit limitation. The interim effluent limitation in Table 6 shall apply from the effective date of Order No. R4-2021-XXXX until the expiration date of the compliance schedule specified in Table 7, section 6.3.7 of this Order.

**Table 6. Interim Effluent Limitations**

<b>Constituent</b>	<b>Units</b>	<b>Daily Maximum</b>	<b>Notes</b>
Temperature	°F	86	Note a

**Footnotes for Table 6**

- a. The temperature of the effluent shall not exceed 86°F except as a result of external ambient temperature. This interim limitation is based on the final effluent limitation for temperature in the previous permit, Order No. R4-2014-0212-A01.

**End of Footnotes for Table 6**

**4.2. Land Discharge Specifications – Not Applicable**

**4.3. Recycling Specifications**

Although the Discharger plans on recycling 100% of the treated effluent from the Pomona WRP for industrial, irrigation, dust control, and municipal purposes in accordance with the wastewater change petition, Number WW0104, approved by the State Water Board’s Division of Water Rights, the Permittee shall continue to investigate the feasibility of recycling, conservation, and/or alternative disposal methods for wastewater, and/or beneficial use of stormwater and dry-weather urban runoff. The Permittee shall submit an update to this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal.

**5. RECEIVING WATER LIMITATIONS**

**5.1. Surface Water Limitations**

Receiving water limitations are based on the water quality objectives in the Basin Plan. The discharge shall not cause the following in the receiving water:

- 5.1.1. The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Los Angeles Water Board that such alteration in temperature does not adversely affect beneficial uses. Additionally, for waters designated with a warm freshwater habitat (WARM) beneficial use, water temperature shall not be altered by more than 5°F above the natural temperature. At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharge except during the term of the compliance schedule set forth in Table 7, section 6.3.7, when the following interim receiving water limitation is in effect: at no time shall these WARM-designated waters be raised above 86°F as a result of waste discharge, except as a result of external ambient temperature.
- 5.1.2. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of wastes discharged. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of wastes discharged. Natural conditions shall be determined on a case-by-case basis.

- 5.1.3. The dissolved oxygen in the receiving water shall not be depressed below 5 mg/L as a result of the wastes discharged.
- 5.1.4. Total residual chlorine shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in the receiving water at any concentration that causes impairment of beneficial uses as a result of the wastes discharged.
- 5.1.5. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits, as a result of wastes discharged:
  - a. Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%.
  - b. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.
- 5.1.6. The wastes discharged shall not produce concentrations of substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life.
- 5.1.7. The wastes discharged shall not cause concentrations of contaminants to occur at levels that are harmful to human health in waters which are existing or potential sources of drinking water.
- 5.1.8. The concentrations of toxic pollutants in the water column, sediments, or biota shall not adversely affect beneficial uses as a result of the wastes discharged.
- 5.1.9. The wastes discharged shall not contain substances that result in increases in BOD, which adversely affect the beneficial uses of the receiving waters.
- 5.1.10. Waters discharged shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
- 5.1.11. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions as a result of wastes discharged.
- 5.1.12. The wastes discharged shall not cause the receiving waters to contain any substance in concentrations that adversely affect any designated beneficial use.
- 5.1.13. The wastes discharged shall not alter the natural taste, odor, or color of fish, shellfish, or other surface water resources used for human consumption.
- 5.1.14. The wastes discharged shall not result in problems due to breeding of mosquitoes, gnats, black flies, midges, or other pests.

- 5.1.15. The wastes discharged shall not result in visible floating particulates, foams, or oil and grease in the receiving waters.
- 5.1.16. The wastes discharged shall not alter the color of the receiving waters; create a visual contrast with the natural appearance of the water; or cause aesthetically undesirable discoloration of the receiving waters.
- 5.1.17. The wastes discharged shall not contain any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses of the receiving waters. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life as a result of the wastes discharged.
- 5.1.18. Chronic Toxicity Receiving Water Quality Objective
- a. There shall be no chronic toxicity in ambient waters as a result of wastes discharged.
  - b. Receiving water and effluent toxicity testing shall be performed on the same day as close to concurrently as possible.
- 5.1.19. The wastes discharged shall not cause the ammonia water quality objective (WQO) in the Basin Plan to be exceeded in the receiving waters. Compliance with the ammonia WQOs shall be determined by comparing the receiving water ammonia concentration to the ammonia WQO in the Basin Plan. The ammonia WQO can also be calculated using the pH and temperature of the receiving water at the time of collection of the ammonia sample.

## 5.2. Groundwater Limitations

The discharge shall not cause the underlying groundwater to be degraded except as consistent with State Water Board Resolution No. 68-16. The discharge to groundwater shall not exceed WQOs, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

## 6. PROVISIONS

### 6.1. Standard Provisions

- 6.1.1. The Discharger shall comply with all Standard Provisions included in Attachment D.
- 6.1.2. **Los Angeles Water Board Standard Provisions.** The Discharger shall comply with the following provisions. If there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:
- a. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by section 13050 of the Water Code.
  - b. 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 Los Angeles Water Board, are prohibited.

- c. 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.
- d. Collection, treatment, and disposal systems shall be operated in a manner that precludes or impedes public contact with wastewater.
- e. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer of the Los Angeles Water Board.
- f. The provisions of this order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- g. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state law or regulation under authority preserved by section 311 of the CWA, related to oil and hazardous substances liability.
- h. The Permittee must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of stormwater to storm drain systems or other water courses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Los Angeles Water Board to local agencies.
- i. Discharge of wastes to any point other than specifically described in this Order is prohibited and constitutes a violation thereof.
- j. The Permittee shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to sections 301, 302, 303(d), 304, 306, 307, 316, 403, and 405 of the federal CWA and amendments thereto.
- k. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility; and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
- l. The Discharger shall make diligent, proactive efforts to reduce Facility infrastructure vulnerability to current and future impacts resulting from climate change, including but not limited to extreme wet weather events, flooding, storm surges, wildfires, and projected sea level rise when the facility is located near the ocean or discharges to the ocean.

- m. Oil or oily material, chemicals, refuse, or other polluting materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.
- n. A copy of these waste discharge requirements shall always be maintained and available to operating personnel at the discharge Facility.
- o. If there is any storage of hazardous or toxic materials or hydrocarbons at this Facility and if the Facility is not always manned, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
- q. The Permittee shall file with the Los Angeles Water Board a report of waste discharge at least 120 days before making any proposed change in the character, location, or volume of the discharge.
- r. In the event of any change in name, ownership, or control of these waste disposal facilities, the Permittee shall notify the Los Angeles Water Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Los Angeles Water Board, 30 days prior to taking effect.
- s. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this Order.
- t. The Permittee shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than the products previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
  - i. Name and general composition of the chemical,
  - ii. Frequency of use,
  - iii. Quantities to be used,
  - iv. Proposed discharge concentrations, and
  - v. USEPA registration number, if applicable.
- u. 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 Permittee to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Permittee to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
- v. Water Code section 13385(h)(i) requires the Los Angeles Water Board to assess a mandatory minimum penalty of three-thousand dollars (\$3,000)

for each serious violation. Pursuant to Water Code section 13385(h)(2), a “serious violation” is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of 40 CFR section 123.45 specifies the Group I and II pollutants. Pursuant to Water Code section 13385.1(a)(1), a “serious violation” is also defined as “a failure to file a discharge monitoring report required pursuant to section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.”

- w. Water Code section 13385(i) requires the Los Angeles Water Board to assess a mandatory minimum penalty of three-thousand dollars (\$3,000) for each violation whenever a person violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three non-serious violations within that time period.
- x. Pursuant to Water Code section 13385.1(d), for the purposes of section 13385.1 and subdivisions (h), (i), and (j) of section 13385, “effluent limitation” means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.
- y. Water Code section 13387(e) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this order, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained in this order shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000), imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16, 20, or 24 months, or by both that fine and imprisonment. For a subsequent conviction, such a person shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) per day of violation, by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years, or by both that fine and imprisonment.
- z. In the event the Permittee does not comply or will be unable to comply for any reason, with any prohibition, effluent limitation, or receiving water

limitation of this Order, the Permittee shall notify the Chief of the Watershed Regulatory Section at the Los Angeles Water Board by telephone (213) 620-2083 or by fax at (213) 576-6660 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing to the Los Angeles Water Board within five days, unless the Los Angeles Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. The written notification shall also be submitted via email with reference to CI-0755 to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov). Other noncompliance requires written notification as above at the time of the normal monitoring report.

## **6.2. Monitoring and Reporting Program (MRP) Requirements**

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E.

## **6.3. Special Provisions**

### **6.3.1. Reopener Provisions**

- a. This Order may be modified, revoked, and reissued, or terminated for cause, including, but not limited to:
  - i. Violation of any term or condition contained in this Order;
  - ii. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Permittee for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

- b. This Order 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 Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity testing, monitoring of internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.
- c. This Order may be modified, in accordance with the provisions set forth in title 40 of the Code of Federal Regulations (40 CFR) parts 122 and 124 to include requirements for the implementation of a watershed protection management approach.



- d. The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have reasonable potential to cause, or contribute to adverse impacts on beneficial uses or degradation of water quality of the receiving waters.
- e. This Order may also be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Permittee for an Order modification, revocation and issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- f. This Order may be modified, in accordance with the provisions set forth in 40 CFR parts 122 to 124, to include new minimum levels (MLs).
- g. If an applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the Los Angeles Water Board may institute proceedings under these regulations to modify or revoke and reissue the Orders to conform to the toxic effluent standard or prohibition.
- h. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments, thereto, the Los Angeles Water Board will revise and modify this Order in accordance with such standards.
- i. This Order may be reopened and modified, to add or revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or a revision of any of the San Gabriel River TMDLs.
- j. This Order may be reopened and modified to revise the chronic toxicity testing provisions and effluent limitations, to the extent necessary, to incorporate applicable elements contained in the State Water Board adopted Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE) Toxicity Provisions following USEPA-approval of such Toxicity Provisions to be consistent with the State Water Board precedential decisions, new policies, state-wide plan, new laws, or new regulations.

- k. This Order will be reopened and modified to the extent necessary, to be consistent with new policies, new state-wide plans, new laws, or new regulations.

#### 6.3.2. Special Studies, Technical Papers and Additional Monitoring Requirements

##### a. Toxicity Reduction Requirements

The Permittee shall prepare and submit a copy of the Permittee's initial investigation Toxicity Reduction Evaluation (TRE) work plan in accordance with Monitoring and Reporting Program section 5.6.

##### b. Ammonia Site -Specific Objective (SSO) Evaluation

To justify continued application of the ammonia site specific objective years after its development, JOS proposed to monitor for ammonia in the receiving water one hundred feet down stream of the outfalls from its POTWs. However, unlike the case of other JOS POTWs in the San Gabriel River watershed, the receiving water downstream of the Pomona WRP cannot be monitored for a continuous 100 feet downstream of the discharge point. The receiving water flows 19 feet before it reaches a culvert. At that point, the receiving water flows underneath a four-track railroad crossing. Flow re-surfaces at an unsafe location on the other side of the railroad crossing, and only for a few feet. Since access is restricted in the receiving water, the Discharger did not have to submit a work plan for the Pomona WRP, to study the fluctuations in pH and temperature in the receiving water to determine the most suitable location in the receiving water, at which compliance with the ammonia receiving water WQO would be assessed. Therefore, the receiving water will be monitored at station RSW-001D to determine compliance with the receiving water ammonia site specific objective.

##### c. Treatment Plant Capacity

The Permittee shall submit a written report to the Executive Officer of the Los Angeles Water Board 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. The Permittee's senior administrative officer shall sign a letter, which transmits that report, and certify that the Permittee's policy-making body is adequately informed of the report's contents. The report shall include the following:

- i. 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;
- ii. The best estimate of when the monthly average daily dry-weather flow rate will equal or exceed the design capacity of the facilities; and,

- iii. 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.

This requirement is applicable in the case where the facility has not reached 75 percent of capacity as of the effective date of this Order. If the facility has reached 75 percent of capacity by that date but has not previously submitted such report, such a report shall be filed within 90 days of the issuance of this Order.

#### 6.3.3. Best Management Practices and Pollution Prevention

- a. This subsection includes requirements for Best Management Practices to control the discharge of pollutants when numeric limitations are infeasible, for storm water discharges associated with industrial activity, or other Best Management Practices under 40 C.F.R. section 122.44(k) and Pollution Prevention requirements, if applicable. U.S. EPA Region 9 recommends that where BMP-based approaches are used, the requirements should be specific, quantified, and trackable through required reporting provisions so that inspectors may evaluate if the required BMPs were actually implemented and effective.
- b. Storm Water Pollution Prevention Plan (SWPPP) – (Not Applicable)
- c. Spill Clean-up Contingency Plan (SCCP)

Within 90 days of the effective date of this Order, the Permittee is required to update and submit the SCCP for the Facility, which describes the activities and protocols to address clean-up of spills, overflows, and bypasses of untreated or partially treated wastewater from the Permittee's collection system or treatment facilities that reach water bodies, including dry channels and beach sands. At a minimum, the plan shall include sections on spill clean-up and containment measures, public notification, and monitoring. The Permittee shall review and amend the plan as appropriate after each spill from the Facility or in the service area of the Facility. The Permittee shall include a discussion in the annual summary report of any modifications to the Plan and the application of the Plan to all spills during the year.

- d. Pollutant Minimization Program (PMP)

Reporting protocols in MRP section 11.2.4 describe sample results that are to be reported as Detected but Not Quantified (DNQ) or Not Detected (ND). Definitions for a reported Minimum Level (ML) and Method Detection Limit (MDL) are provided in Attachment A. These reporting protocols and definitions are used in determining the need to conduct a PMP as follows:

The Discharger shall develop and conduct a PMP as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical

methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either:

- i. A sample result is reported as DNQ and the effluent limitation is less than the RL; or
- ii. A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP section 11.2.4.

The goal of the PMP shall be to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the 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 Los Angeles Water Board may consider cost-effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan (PPP), if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Los Angeles Water Board:

- i. The annual review and semi-annual and quarterly monitoring cited below is from SIP section 2.4.5.1. If these frequencies are not appropriate, consider other justifiable frequencies.
- ii. An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- iii. Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;
- iv. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;
- v. Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and
- vi. An annual status report that shall be sent to the Los Angeles Water Board including:
  - All PMP monitoring results for the previous year;
  - A list of potential sources of the reportable priority pollutant(s);
  - A summary of all actions undertaken pursuant to the control strategy; and

- A description of actions to be taken in the following year.

#### 6.3.4. Construction, Operation and Maintenance Specifications

- Certified Wastewater Treatment Plant Operator.** Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to California Code of Regulations (CCR), title 23, division 3, chapter 26 (Water Code sections 13625 – 13633).
- Climate Change Effects Vulnerability Assessment and Mitigation Plan.** The Permittee shall consider the impacts of climate change as they affect the operation of the treatment facility due to flooding, wildfire, or other climate-related changes. The Permittee shall develop a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) to assess and manage climate change-related effects that may impact the wastewater treatment facility's operation, water supplies, its collection system, and water quality, including any projected changes to the influent water temperature and pollutant concentrations, and beneficial uses (refer to 3.5.1 for specific requirements). For facilities that discharge to the ocean including desalination plants, the Climate Change Plan shall also include the impacts from sea level rise. The Climate Change Plan is due 12 months after the effective date of this Order.
- Alternate Power Source.** The Permittee 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 Permittee shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power. The Permittee shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.

#### 6.3.5. Special Provisions for Publicly-Owned Treatment Works (POTWs)

- Biosolids Disposal Requirements (NOT APPLICABLE)
- Pretreatment Requirements
  - The Permittee has developed and implemented a Pretreatment Program that was previously submitted to this Los Angeles Water Board. This Order requires implementation of the approved Pretreatment Program. Any violation of the Pretreatment Program will be considered a violation of this Order.

- ii. In 1972, the County Sanitation District of Los Angeles County's (Sanitation District) Board of Directors adopted the Wastewater Ordinance. The purpose of this Ordinance is to establish controls on users of the Sanitation District's sewerage system in order to protect the environment and public health, and to provide for the maximum beneficial use of the Sanitation District's facilities. This Wastewater Ordinance, as amended July 1, 1998, shall supersede all previous regulations and policies of the JOS's governing items covered in this Ordinance. Specifically, the provisions of this Ordinance shall supersede the Districts' "Policy Governing Use of District Trunk Sewers" dated December 6, 1961, and shall amend the JOS's "An Ordinance Regulating Sewer Construction, Sewer Use and Industrial Wastewater Discharges," dated April 1, 1972, and as amended July 1, 1975, July 1, 1980, July 1, 1983, and November 1, 1989. An extensive review of the JOS local limits was completed in November 2006; the report outlining the full evaluation was forwarded to the Los Angeles RWQCB on November 5, 2006. In April 2018, JOS submitted a local limit evaluation to the Los Angeles Water Board following the NPDES permit adoption of the Joint Water Pollution Control Plant. In that evaluation, JOS found that changes to existing local limits did not appear to be necessary to meet the limitations.
- iii. In 2019, there were 381 categorical industrial user (CIU) permittees, 958 significant industrial user (SIU) permittees, and 1,597 other industrial users in the Sanitation District's entire Pretreatment Program. The Pomona WRP receives wastewater from seventeen SIUs: ten CIUs and seven non-categorical SIUs.
- iv. Any change to the program shall be reported to the Los Angeles Water Board in writing and shall not become effective until approved by the Executive Officer in accordance with procedures established in 40 CFR § 403.18.
- v. Applications for renewal or modification of this Order must contain information about industrial discharges to the POTW pursuant to 40 CFR § 122.21(j)(6). Pursuant to 40 CFR § 122.42(b) and provision VII.A of Attachment D, Standard Provisions, of this Order, the Permittee shall provide adequate notice of any new introduction of pollutants or substantial change in the volume or character of pollutants from industrial discharges which were not included in the permit application. Pursuant to 40 CFR § 122.44(j)(1), the Permittee shall annually identify and report, in terms of character and volume of pollutants, any Significant Industrial Users discharging to the POTW subject to Pretreatment Standards under section 307(b) of the CWA and 40 CFR § 403.
- vi. The Permittee shall evaluate whether its pretreatment local limits are adequate to meet the requirements of this Order and shall submit a

written technical report as required under section B.1 of Attachment H. The Pomona WRP is part of the JOS, consisting of the Joint Water Pollution Control Plant (JWPCP) and the upstream plants. In the reevaluation of the local limits, the Permittee shall consider the effluent limitations contained in this Order, the contributions from the upstream WRPs in the JOS, and other relevant factors due to the interconnection of the Districts' WRPs within the JOS. The Permittee shall submit to the Los Angeles Board revised local limits, as necessary, for Los Angeles Board approval based on the schedule specified in the NPDES Permit issued to the JWPCP. In addition, the Permittee shall consider collection system overflow protection from such constituents as oil and grease, etcetera.

vii. The Permittee shall comply with requirements contained in Attachment H – Pretreatment Reporting Requirements.

c. Collection System Requirements

The Permittee's collection system is part of the system that is subject to this Order. As such, the Permittee must properly operate and maintain its collection system (40 CFR § 122.41(e)). The Permittee must report any non-compliance (40 CFR § 122.41(l)(6) and (7)) and mitigate any discharge from the collection system in violation of this Order (40 CFR § 122.41(d)). On November 20, 2006, the Permittee submitted a Notice of Intent to enroll under the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003.

d. Filter Bypass

Conditions pertaining to bypass are contained in Attachment D, Section 1.7 Standard Provisions – Permit Compliance. The bypass or overflow of untreated or partially treated wastewater to waters of the State is prohibited, except as allowed under conditions stated in 40 CFR section 122.41(m) and (n). During periods of elevated, wet weather flows, a portion of the secondary treated wastewater may be diverted around the tertiary filters. These anticipated discharges are approved under the bypass conditions when the resulting combined discharge of fully treated (tertiary) and partially treated (secondary) wastewater complies with the effluent and receiving water limitations in this Order.

6.3.6. Spill Reporting Requirements

a. Initial Notification

Although State and Los Angeles Water Board staff do not have duties as first responders, this requirement is an appropriate mechanism to ensure that the agencies that do have first responder duties are notified in a timely manner in order to protect public health and beneficial uses. For

certain spills, overflows and bypasses, the Permittee shall make notifications as required below:

- i. In accordance with the requirements of Health and Safety Code section 5411.5, the Permittee shall provide notification to the local health officer or the director of environmental health with jurisdiction over the affected water body of any unauthorized release of sewage or other waste that causes, or probably will cause, a discharge to any waters of the state as soon as possible, but no later than two hours after becoming aware of the release.
- ii. In accordance with the requirements of Water Code section 13271, the Permittee shall provide notification to the California Office of Emergency Services (Cal OES) of the release of reportable amounts of hazardous substances or sewage that causes, or probably will cause, a discharge to any waters of the state as soon as possible, but not later than two hours after becoming aware of the release. The CCR, Title 23, section 2250, defines a reportable amount of sewage as being 1,000 gallons. The phone number for reporting these releases to the Cal OES is (800) 852-7550.
- iii. The Permittee shall notify the Los Angeles Water Board of any unauthorized release of sewage from its POTW that causes, or probably will cause, a discharge to a water of the state as soon as possible, but not later than two hours after becoming aware of the release. This initial notification does not need to be made if the Permittee has notified Cal OES and the local health officer or the director of environmental health with jurisdiction over the affected water body. The phone number for reporting these releases of sewage to the Los Angeles Water Board is (213) 576-6657. The phone numbers for after hours and weekend reporting of releases of sewage to the Los Angeles Water Board are (213) 305-2284 and (213) 305-2253. At a minimum, the following information shall be provided to the Los Angeles Water Board:
  - The location, date, and time of the release;
  - The route of the spill including the water body that received or will receive the discharge;
  - An estimate of the amount of sewage or other waste released and the amount that reached a surface water at the time of notification;
  - If ongoing, the estimated flow rate of the release at the time of the notification; and,
  - The name, organization, phone number and email address of the reporting representative.

b. Monitoring



For spills, overflows and bypasses reported under section 6.3.6.1, the Permittee shall monitor as required below:

To define the geographical extent of the spill's impact, the Permittee shall obtain grab samples (if feasible, accessible, and safe) for all spills, overflows or bypasses of any volume that reach any waters of the state (including surface and ground waters). The Permittee shall analyze the samples for total coliform, *E. coli* (if total coliform tests positive), *Enterococcus* (if spill reaches the marine waters, where the salinity is greater than 1 part per thousand more than 5 percent of time), and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, and safe). Daily monitoring shall be conducted from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring.

c. Reporting

The initial notification required under section 6.3.6.1. shall be followed by:

- i. As soon as possible, but not later than twenty-four hours after becoming aware of an unauthorized discharge of sewage or other waste from its wastewater treatment plant to a water of the state, the Permittee shall submit a statement to the Los Angeles Water Board by email at [augustine.anijelo@waterboards.ca.gov](mailto:augustine.anijelo@waterboards.ca.gov). If the discharge is 1,000 gallons or more, this statement shall certify that Cal OES has been notified of the discharge in accordance with Water Code section 13271. The statement shall also certify that the local health officer or director of environmental health with jurisdiction over the affected water bodies has been notified of the discharge in accordance with Health and Safety Code section 5411.5. The statement shall also include at a minimum the following information:
  - Agency, NPDES No., Order No., and MRP CI No., if applicable;
  - The location, date, and time of the discharge;
  - The water body that received the discharge;
  - A description of the level of treatment of the sewage or other waste discharged;
  - An initial estimate of the amount of sewage or other waste released and the amount that reached a surface water;
  - The Cal OES control number and the date and time that notification of the incident was provided to Cal OES; and,
  - The name of the local health officer or director of environmental health representative notified (if contacted directly); the date and

time of notification; and the method of notification (e.g., phone, fax, email).

- ii. A written preliminary report five working days after disclosure of the incident is required. Submission to the Los Angeles Water Board of the California Integrated Water Quality System (CIWQS) Sanitary Sewer Overflow (SSO) event number shall satisfy this requirement. Within 30 days after submitting the preliminary report, the Permittee shall submit the final written report to this Los Angeles Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to the statewide General WDRs for Sanitary Sewer Systems (SSS WDRs), may be submitted to the Los Angeles Water Board to satisfy this requirement). The written report shall document the information required in paragraph d below, monitoring results and any other information required in provisions of the Standard Provisions document including corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences. The Executive Officer for just cause can grant an extension for submittal of the final written report.
  - iii. The Permittee shall include a certification in the annual summary report (due according to the schedule in the MRP) that states that the sewer system emergency equipment, including alarm systems, backup pumps, standby power generators, and other critical emergency pump station components were maintained and tested in accordance with the Permittee's preventive maintenance plan. Any deviations from or modifications to the plan shall be discussed.
- d. Records

The Permittee shall develop and maintain a record of all spills, overflows, or bypasses of raw or partially treated sewage from its collection system or treatment plant. This record shall be made available to the Los Angeles Water Board upon request and a spill summary shall be included in the annual summary report. The records shall contain:

- i. The date and time of each spill, overflow, or bypass;
- ii. The location of each spill, overflow, or bypass;
- iii. The estimated volume of each spill, overflow, and bypass including gross volume, amount recovered and amount not recovered, monitoring results as required by section 6.3.6.2;
- iv. The cause of each spill, overflow, or bypass;
- v. Whether each spill, overflow, or bypass entered a receiving water and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;
- vi. Any mitigation measures implemented;

- vii. Any corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences; and,
  - viii. The mandatory information included in SSO online reporting for finalizing and certifying the SSO report for each spill, overflow, or bypass under the SSS WDRs.
- e. Activities Coordination

Although not required by this Order, Los Angeles Water Board expects the POTW's owners/operators will coordinate their compliance activities for consistency and efficiency with other entities that have responsibilities to implement: (1) this NPDES permit, including the Pretreatment Program, (ii) a MS4 NPDES permit that may contain spill prevention, sewer maintenance, reporting requirements and (iii) the SSS WDRs. The Los Angeles Water Board also expects that POTW owners/operators will coordinate with their departments regarding the potential for the permissive integration of the MS4 with the wastewater collection system.

- f. Consistency with SSS WDRs

The CWA prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under an NPDES permit. (33 United States Code sections 1311, 1342). The State Water Board adopted *General Waste Discharge Requirements for Sanitary Sewer Systems*, (WQ Order No. 2006-0003-DWQ; SSS WDRs) on May 2, 2006, to provide a consistent, statewide regulatory approach to address sanitary sewer overflows. These statewide WDRs require public agencies that own or operate sanitary sewer systems to apply for coverage under the SSS WDRs, develop and implement sewer system management plans, and report all Sanitary Sewer Overflows (SSOs) to the State Water Board's online SSOs database. Regardless of the coverage obtained under the SSS WDRs, the Permittee's collection system is part of the POTW that is subject to this NPDES permit. As such, pursuant to federal regulations, the Permittee must properly operate and maintain its collection system (40 CFR § 122.41 (e)), report any non-compliance (40 CFR § 122.41(1)(6) and (7)), and mitigate any discharge from the collection system in violation of this NPDES permit (40 CFR § 122.41(d)).

The requirements contained in this Order in sections 6.3.3.2. (SCCP Plan section), 6.3.4. (Construction, Operation and Maintenance Specifications section), and 6.3.6. (Spill Reporting Requirements section) are intended to be consistent with the requirements of the SSS WDRs. The Los Angeles Water Board recognizes that there may be some overlap between these NPDES permit provisions and SSS WDRs requirements, related to the collection systems. The requirements of the SSS WDRs are considered the minimum thresholds (see finding 11 of State Water Board Order No. 2006-0003-DWQ). To encourage efficiency, the Los Angeles Water Board will accept the documentation prepared by the Permittees under the SSS

WDRs for compliance purposes as satisfying the requirements in sections 6.3.3.2, 6.3.4, and 6.3.6 provided the more stringent provisions contained in this NPDES permit are also addressed. Pursuant to SSS WDRs, section D, provision 2(iii) and (iv), the provisions of this NPDES permit supersede the SSS WDRs, for all purposes, including enforcement, to the extent the requirements may be deemed duplicative.

**6.3.7. Compliance Schedules**

- a. The compliance schedule and the interim limitations in Sections 4.1.2 and 5.1.1 of this Order are authorized under Section 1.e. of the State Water Board’s Resolution 2008-0025 - Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy).
- b. The Discharger shall notify the Los Angeles Water Board in writing, no later than 14 days following each interim milestone date, of its compliance or noncompliance with the interim requirements.
- c. A compliance report is due within 14 days after each interim milestone date.
- d. In order to monitor compliance with the interim and final effluent limitations for temperature, the Discharger shall monitor the influent, effluent, and the receiving water for temperature at the frequencies required in Tables E-2, E-3, and E-5. Each result shall be reported in the monthly report to track progress in achieving compliance with the final effluent limitations.
- e. The Permittee shall submit a PMP described in section 6.3.3.d to the Los Angeles Water Board for Executive Officer approval within 60 days of the effective date of this permit.
- f. The Permittee may be subject to enforcement action for failure to complete the tasks by the given milestone dates, as specified in Table 7.

**Table 7. Compliance Schedule & Milestone Dates**

<b>Task</b>	<b>Completion Date</b>
Submit and Begin Implementation of Pollution Prevention Plan (PPP) Source Control	October 1, 2021
Release the Request for Proposal to Retain Consultant to Evaluate Temperature Impacts in the Watershed and Management Options	July 31, 2022
Finalize a Technical Workplan	July 31, 2023
Prepare a Technical Workplan Progress Report	July 31, 2024
Complete Implementation of Technical Workplan	July 31, 2025
Select Preferred Project and Begin Potential Regulatory Approval Process	May 1, 2026

<b>Task</b>	<b>Completion Date</b>
Begin Preliminary Design	July 31, 2026
Complete Preliminary Design	July 31, 2027
Complete Environmental Review	July 31, 2028
Design Preferred Project	July 31, 2029
Issue Notice to Proceed for Project Work	July 31, 2030
Complete Preferred Project	July 31, 2031

## **7. COMPLIANCE DETERMINATION**

Compliance with the effluent limitations contained in section 4 of this Order will be determined as specified below:

### **7.1. General**

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Los Angeles and State Water Boards, the Permittee 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).

### **7.2. Multiple Sample Data**

When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses and the data set contains one or more reported determinations of DNQ or ND. In those cases, the Permittee shall compute the median in place of the arithmetic mean in accordance with the following procedure:

7.2.1. 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.

7.2.2. 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.

### **7.3. Average Monthly Effluent Limitation (AMEL)**

If the average (or when applicable, the median determined by subsection 7.2 above for multiple sample data) of daily discharges over a calendar month

exceeds the AMEL for a given parameter, this will represent a single violation for the purpose of calculating mandatory minimum penalties, though the Permittee may be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month) in cases where discretionary administrative civil liabilities are appropriate. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Permittee may be considered out of compliance for that calendar month. The Permittee will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month with respect to the AMEL.

If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for a given parameter, the Permittee will have demonstrated compliance with the AMEL for each day of that month for that parameter.

If the analytical result of any single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any parameter, the Permittee may collect up to four additional samples within the same calendar month. All analytical results shall be reported in the monitoring report for that month. The concentration of pollutant (an arithmetic mean or a median) in these samples estimated from the "Multiple Sample Data Reduction" section above, will be used for compliance determination.

In the event of noncompliance with an AMEL, the sampling frequency for that parameter shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated.

#### **7.4. Average Weekly Effluent Limitation (AWEL)**

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the Permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Permittee will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week with respect to the AWEL.

A calendar week will begin on Sunday and end on Saturday. Partial calendar weeks at the end of calendar month will be carried forward to the next month in order to calculate and report a consecutive seven-day average value on Saturday.

### **7.5. Maximum Daily Effluent Limitation (MDEL)**

If a daily discharge on a calendar day exceeds the MDEL for a given parameter, an alleged violation will be flagged and the Permittee will be considered out of compliance for that day for that parameter. If no sample (daily discharge) is taken over a calendar day, no compliance determination can be made for that day with respect to effluent violation determination, but compliance determination can be made for that day with respect to reporting violation determination.

### **7.6. Instantaneous Minimum Effluent Limitation**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a potential violation will be flagged and the Permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

### **7.7. Instantaneous Maximum Effluent Limitation**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a potential violation will be flagged and the Permittee will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

### **7.8. Six-month Median Effluent Limitation**

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, a potential violation will be flagged and the Permittee will be considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the Permittee will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median effluent limitation.

### **7.9. Median Monthly Effluent Limitation (MMEL)**

If the median of daily discharges over a calendar month exceeds the MMEL for a given parameter, an alleged violation will be flagged and the Permittee will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). However, an alleged violation of the MMEL will be considered one violation for the purpose of assessing State mandatory minimum penalties. If no sample (daily discharge) is taken over a calendar month, no compliance determination can be made for that month with respect to effluent violation determination, but compliance

determination can be made for that month with respect to reporting violation determination.

#### 7.10. Chronic Toxicity

The discharge is subject to determination of “Pass” or “Fail” and “Percent Effect” from a chronic toxicity test using the Test of Significant Toxicity (TST) statistical t-test approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, Table A-1, and Appendix B, Table B-1. The null hypothesis (Ho) for the TST statistical approach is: Mean discharge In-stream Waste Concentration (IWC) response  $\leq 0.75 \times$  Mean control response. A test result that rejects this null hypothesis is reported as “Pass.” A test result that does not reject this null hypothesis is reported as “Fail.” The relative “Percent Effect” at the discharge IWC is defined and reported as:  $((\text{Mean control response} - \text{Mean discharge IWC response}) \div \text{Mean control response}) \times 100$ . This is a t-test, a statistical analysis comparing two sets of replicate observations - in the case of Whole Effluent Toxicity (WET), only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is “Pass” or “Fail”). The Welch’s t-test employed by the TST statistical approach is an adaptation of Student’s t-test and is used with two samples having unequal variances.

The Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed at the IWC for the reproduction endpoint using the TST statistical approach, results in “Fail” and the “Percent Effect” of the survival endpoint is  $\geq 50\%$ .

The MMEL for chronic toxicity is exceeded and a violation will be flagged when the median of no more than three independent chronic toxicity tests, initiated within the same calendar month and analyzed using the TST statistical approach, results in “Fail.”

The chronic toxicity MDEL and MMEL are set at the IWC for the discharge (100% effluent) and expressed in units of the TST statistical approach (“Pass” or “Fail”, “Percent Effect”). All NPDES effluent compliance monitoring for the chronic toxicity MDEL and MMEL shall be reported using only the 100% effluent concentration and negative control, expressed in units of the TST, using *Ceriodaphnia dubia*, which was determined to be the most sensitive species for the Pomona WRP discharge. The TST hypothesis (Ho) (see above) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run using a multi-concentration test design when required by *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (USEPA 2002, EPA-821-R-02-013). However, if the USEPA approves the Alternative Test Procedure, the Discharger may use a two-concentration test design. The Los Angeles Water Board’s review of reported toxicity test results will not include review of concentration-response patterns (see Fact Sheet discussion at 4.3.6.). As described in the bioassay laboratory



audit correspondence from the State Water Resources Control Board dated August 7, 2014, and from the USEPA dated December 24, 2013, the Percent Minimum Significant Difference (PMSD) criteria only apply to compliance reporting for the No Observable Effect Concentration (NOEC) and the sublethal statistical endpoints of the NOEC, and therefore are not used to interpret results using the TST statistical approach. Standard Operating Procedures used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent (and receiving water) toxicity test measurement results from the TST statistical approach must be consistent with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (USEPA 2002, EPA-821-R-02-013). The Los Angeles Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Permittee, the USEPA, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental Laboratory Accreditation Program (ELAP) as needed. The Board may consider the results of any TIE/TRE studies in an enforcement action.

#### **7.11. Percent Removal**

The average monthly percent removal is the removal efficiency expressed in percentage across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of pollutant concentrations (C in mg/L) of influent and effluent samples collected at about the same time using the following equation:

$$\text{Percent Removal (\%)} = [1 - (C_{\text{Effluent}}/C_{\text{Influent}})] \times 100\%$$

When preferred, the Permittee may substitute mass loadings and mass emissions for the concentrations.

#### **7.12. Mass and Concentration Limitations**

Compliance with mass and concentration effluent limitations for the same parameter shall be determined separately with their respective limitations. When the concentration of a constituent in an effluent sample is determined to be ND or DNQ, the corresponding mass emission rate determined from that sample concentration shall also be reported as ND or DNQ.

#### **7.13. Compliance with single constituent effluent limitations**

Permittees may be considered out of compliance with the effluent limitation if the concentration of the pollutant (see section B "Multiple Sample Data Reduction" above) in the monitoring sample is greater than the effluent limitation and greater than or equal to the RL.

#### **7.14. Compliance with effluent limitations expressed as a sum of several constituents**

Permittees are out of compliance with an effluent limitation which applies to the sum of a group of chemicals (e.g., PCBs) if the sum of the individual pollutant

concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as ND or DNQ.

**7.15. Compliance with San Gabriel River Metals TMDL effluent limitations**

The Pomona WRP discharges to Reach 2 of San Jose Creek. San Jose Creek and tributaries of the San Gabriel River are on the CWA section 303(d) list as impaired for various pollutants, including metals. For this discharge, the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL has established WLAs for lead and selenium in San Jose Creek Reach 2. Federal regulations require that NPDES permits incorporate WQBELs consistent with the requirements and assumptions of any available WLAs.

**7.16. Compliance with 2,3,7,8-TCDD Equivalents**

TCDD equivalents shall be calculated using the following formula, where the MLs, and toxicity equivalency factors (TEFs) are as provided in the table below. The Permittee shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalents, the Permittee shall set congener concentrations below the minimum levels to zero. USEPA method 1613 may be used to analyze dioxin and furan congeners.

$$Dioxin\ Concentration = \sum_{i=1}^{17} (TEQi) = \sum_{i=1}^{17} (Ci)(TEFi)$$

where:

Ci = individual concentration of a dioxin or furan congener

TEFi = individual TEF for a congener

Congeners	MLs (pg/L)	TEFs
2,3,7,8-TetraCDD	10	1.0
1,2,3,7,8-PentaCDD	50	1.0
1,2,3,4,7,8-HexaCDD	50	0.1
1,2,3,6,7,8-HexaCDD	50	0.1
1,2,3,7,8,9-HexaCDD	50	0.1
1,2,3,4,6,7,8-HeptaCDD	50	0.01
OctaCDD	100	0.0001
2,3,7,8-TetraCDF	10	0.1
1,2,3,7,8-PentaCDF	50	0.05
2,3,4,7,8-PentaCDF	50	0.5
1,2,3,4,7,8-HexaCDF	50	0.1
1,2,3,6,7,8-HexaCDF	50	0.1
1,2,3,7,8,9-HexaCDF	50	0.1

Congeners	MLs (pg/L)	TEFs
2,3,4,6,7,8-HexaCDF	50	0.1
1,2,3,4,6,7,8-HeptaCDFs	50	0.01
1,2,3,4,7,8,9-HeptaCDFs	50	0.01
OctaCDF	100	0.0001

### 7.17. Compliance with Gross Beta/photon Emitters

The monthly average effluent limitation for gross beta/photon is equal to 4 millirem/year with a screening level of 50 picoCuries per liter (pCi/L). Due to naturally occurring Potassium-40, the results of the Potassium-40 may be subtracted from the total gross beta activity to determine if the screening level is exceeded. The Potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentration (in mg/L) by a factor of 0.82 to determine activity from Potassium-40. The Potassium-40 must be analyzed from the same or equivalent sample used for the gross beta analysis.

If the gross beta particle activity minus the naturally occurring Potassium-40 is less than or equal to 50 pCi/L, the facility is in compliance and the value shall be reported as <4 millirem/year. If the gross beta particle activity minus the naturally occurring Potassium-40 beta particle activity exceeds the screening level, the Permittee must have the samples further analyzed for the *individual* nuclides. The calculation for the sum of the fractions is presented below.

The maximum contaminant level (MCL) for gross beta/photon emitters is equal 4 millirem per year. A millirem is a dose of energy to the body or any internal organ. USEPA regulates 179 man-made nuclides, and each of them has a concentration of radiation measured in pCi/L, which produces the 4 millirem dose. These concentrations are listed on table, *Derived Concentrations of (pCi/L) of Beta and Photon Emitters in Drinking Water*, which shall be used to determine compliance.

## Derived Concentrations (pCi/l) of Beta and Photon Emitters in Drinking Water

Yielding a Dose of 4 mrem/yr to the Total Body or to any Critical Organ as defined in NBS Handbook 69

Nuclide	pCi/l	Nuclide	pCi/l	Nuclide	pCi/l	Nuclide	pCi/l	Nuclide	pCi/l	Nuclide	pCi/l
H-3	20,000	Ni-65	300	Nb-95	300	Sb-124	60	Nd-147	200	Os-191	600
Be-7	6,000	Cu-64	900	Nb-97	3,000	Sb-125	300	Nd-149	900	Os-191m	9,000
C-14	2,000	Zn-65	300	Mo-99	600	Te-125m	600	Pm-147	600	Os-193	200
F-18	2,000	Zn-69	6,000	Tc-96	300	Te-127	900	Pm-149	100	Ir-190	600
Na-22	400	Zn-69m	200	Tc-96m	30,000	Te-127m	200	Sm-151	1,000	Ir-192	100
Na-24	600	Ga-72	100	Tc-97	6,000	Te-129	2,000	Sm-153	200	Ir-194	90
Si-31	3,000	Ge-71	6,000	Tc-97m	1,000	Te-129m	90	Eu-152	200	Pt-191	300
P-32	30	As-73	1,000	Tc-99	900	Te-131m	200	Eu-154	60	Pt-193	3,000
S-35 inorg	500	As-74	100	Tc-99m	20,000	Te-132	90	Eu-155	600	Pt-193m	3,000
Cl-36	700	As-76	60	Ru-97	1,000	I-126	3	Gd-153	600	Pt-197	300
Cl-38	1,000	As-77	200	Ru-103	200	I-129	1	Gd-159	200	Pt-197m	3,000
K-42	900	Se-75	900	Ru-105	200	I-131	3	Tb-160	100	Au-196	600
Ca-45	10	Br-82	100	Ru-106	30	I-132	90	Dy-165	1,000	Au-198	100
Ca-47	80	Rb-86	600	Rh-103m	30,000	I-133	10	Dy-166	100	Au-199	600
Sc-46	100	Rb-87	300	Rh-105	300	I-134	100	Ho-166	90	Hg-197	900
Sc-47	300	Sr-85 m	20,000	Pd-103	900	I-135	30	Er-169	300	Hg-197m	600
Sc-48	80	Sr-85	900	Pd-109	300	Cs-131	20,000	Er-171	300	Hg-203	60
V-48	90	Sr-89	20	Ag-105	300	Cs-134	80	Tm-170	100	Tl-200	1,000
Cr-51	6,000	Sr-90	8	Ag-110m	90	Cs-134m	20,000	Tm-171	1,000	Tl-201	900
Mn-52	90	Sr-91	200	Ag-111	100	Cs-135	900	Yb-175	300	Tl-202	300
Mn-54	300	Sr-92	200	Cd-109	600	Cs-136	800	Lu-177	300	Tl-204	300
Mn-56	300	Y-90	60	Cd-115	90	Cs-137	200	Hf-181	200	Pb-203	1,000
Fe-55	2,000	Y-91	90	Cd-115m	90	Ba-131	600	Ta-182	100	Ta-206	100
Fe-59	200	Y-91m	9,000	In-113m	3,000	Ba-140	90	W-181	1,000	Bi-207	200
Co-57	1,000	Y-92	200	In-114m	60	La-140	60	W-185	300	Pa-230	600
Co-58	300	Y-93	90	In-115	300	Ce-141	300	W-187	200	Pa-233	300
Co-58m	9000	Zr-93	2,000	In-115m	1,000	Ce-143	100	Re-186	300	Np-239	300
Co-60	100	Zr-95	200	Sn-113	300	Ce-144	30	Re-187	9,000	Pu-241	300
Ni-59	300	Zr-97	60	Sn-125	60	Pr-142	90	Re-188	200	Bk-249	2,000
Ni-63	50	Nb-93m	1,000	Sb-122	90	Pr-143	100	Os-185	200		

The sum of the fraction method is used because each photon emitter targets a different organ of the body, which results in a different magnitude of risk. The sum of the beta and photon emitters shall not exceed 4 millirem/year (40 CFR section 141.66(d)(2)).

Each nuclide has a different concentration that produces 4 millirem dose because different radionuclides have different energy levels. Some nuclides need to be in a higher concentration to give the same 4 millirem dose.

The laboratory shall measure the nuclide concentration in the water, and compare this result to the concentration allowed for that particular nuclide (see table below). The comparison results in a fraction. This is shown in calculation below:

Fraction of the maximum

$$4 \text{ millirem/year exposure limit} = \frac{\text{pCi/L found in sample (from laboratory results)}}{\text{pCi/L equivalent from 4 millirem of exposure (from conversion table)}}$$

Each fraction must then be converted to a dose equivalent of 4 millirem/year by multiplying the fraction by 4. The results for each emitter must be summed to determine compliance.

A sample calculation is presented in the table below:

---	X	Y	X/Y	4(X/Y)
Emitter	Lab Analysis (pCi/L)	Conversion from table (pCi/4millirem)	Calculate Fraction	Calculate Total (millirem)
Cs-134	5,023	20,000	0.25115	1.0
Cs-137	30	200	0.150	0.6
Sr-90	4	8	0.5	2.0
I-131	2	3	0.7	2.8
Sum of the Fractions	---	---	1.60115	6.4

In the example above, the system would be considered in violation of the gross beta/photon effluent limitation because the “sum-of-the-fractions” is 6.4 millirem, which means that the sum of the annual dose equivalent to the total body, or to any internal organ, exceeds 4 millirem/year.

### 7.18. Mass Emission Rate

The mass emission rate shall be obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.34}{N} \sum_{i=1}^N Q_i C_i$$

$$\text{Mass emission rate (kg/day)} = \frac{3.79}{N} \sum_{i=1}^N Q_i C_i$$

in which 'N' is the number of samples analyzed in any calendar day. 'Qi' and 'Ci' 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, 'Ci' is the concentration measured in the composite sample and 'Qi' 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. 'Qi' and 'Ci' are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the 'N' waste streams. 'Qt' is the total flow rate of the combined waste streams.

### 7.19. Bacterial Standards and Analysis

- 7.19.1. The geometric mean used for determining compliance with bacterial standards is calculated with the following equation:

$$\text{Geometric Mean} = (C_1 \times C_2 \times \dots \times C_n)^{1/n}$$

where n is the number of days samples were collected during the period and C is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each day of sampling.

- 7.19.2. For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for enterococcus). The detection methods used for each analysis shall be reported with the results of the analyses.
- 7.19.3. Detection methods used for coliforms (total and fecal) shall be those presented in Table 1A of 40 CFR part 136, unless alternate methods have been approved by USEPA pursuant to 40 CFR part 136, or improved methods have been determined by the Executive Officer and/or USEPA.
- 7.19.4. Detection methods used for enterococcus shall be those presented in Table 1A of 40 CFR part 136 or in the USEPA publication EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure* or any improved method determined by the Executive Officer and/or USEPA to be appropriate.

### 7.20 Single Operational Upset (SOU)

- 7.20.1. An SOU that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation and limits the Permittee's liability in accordance with the following conditions:
- 7.20.2. An SOU is broadly defined as a single unusual event that temporarily disrupts the usually satisfactory operation of a system in such a way that it results in violation of multiple pollutant parameters.
- 7.20.3. A Permittee may assert SOU to limit liability only for those violations which the Permittee submitted notice of the upset as required in Provision 5.5.2.2. of Attachment D – Standard Provisions.
- 7.20.4. For purpose outside of Water Code section 13385 subdivisions (h) and (i), determination of compliance and civil liability (including any more specific definition of SOU, the requirements for Permittees to assert the SOU limitation of liability, and the manner of counting violations) shall be in accordance with USEPA Memorandum "Issuance of Guidance Interpreting Single Operational Upset" (September 27, 1989).

7.20.5. For purpose of Water Code section 13385 (h) and (i), determination of compliance and civil liability (including any more specific definition of SOU, the requirements for Permittees to assert the SOU limitation of liability, and the manner of counting violations) shall be in accordance with Water Code section 13385 (f)(2).

## ATTACHMENT A – DEFINITIONS

### **Arithmetic Mean ( $\mu$ )**

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.

### **Biosolids**

Sewage sludge that has been treated and tested and shown to be capable of being beneficially and legally used pursuant to federal and state regulators as a soil amendment for agricultural, silvicultural, horticultural, and land reclamation activities as specified under 40 C.F.R. Part 503.

### **Carcinogenic**

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

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

#### **Detected, but Not Quantified (DNQ)**

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.

#### **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 U.S. EPA 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.

#### **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 shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

### **Inland Surface Waters**

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

### **Instantaneous Maximum Effluent Limitation**

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

### **Instantaneous Minimum Effluent Limitation**

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

### **Maximum Daily Effluent Limitation (MDEL)**

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 the median =  $X_{(n+1)/2}$ . If  $n$  is even, then the median =  $(X_{n/2} + X_{(n/2)+1})/2$  (i.e., the midpoint between the  $n/2$  and  $n/2+1$ ).

### **Method Detection Limit (MDL)**

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 CFR 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 water body.

### **Not Detected (ND)**

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

### **PCBs (polychlorinated biphenyls) as Aroclors**

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.

### **PCBs as Congeners**

The sum of the following 41 individually quantified PCB congeners or mixtures of isomers of a single congeners in a co-elution: PCB-18, 28, 37, 44, 49, 52, 66, 70, 74, 77, 81, 87, 99, 101, 105, 110, 114, 118, 119, 123, 126, 128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169, 170, 177, 180, 183, 187, 189, 194, 201, and 206.

### **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 Los Angeles Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

### **Pollution Prevention**

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 Los Angeles 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 Los Angeles Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

### **Source of Drinking Water**

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

**Standard Deviation ( $\sigma$ )**

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

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

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

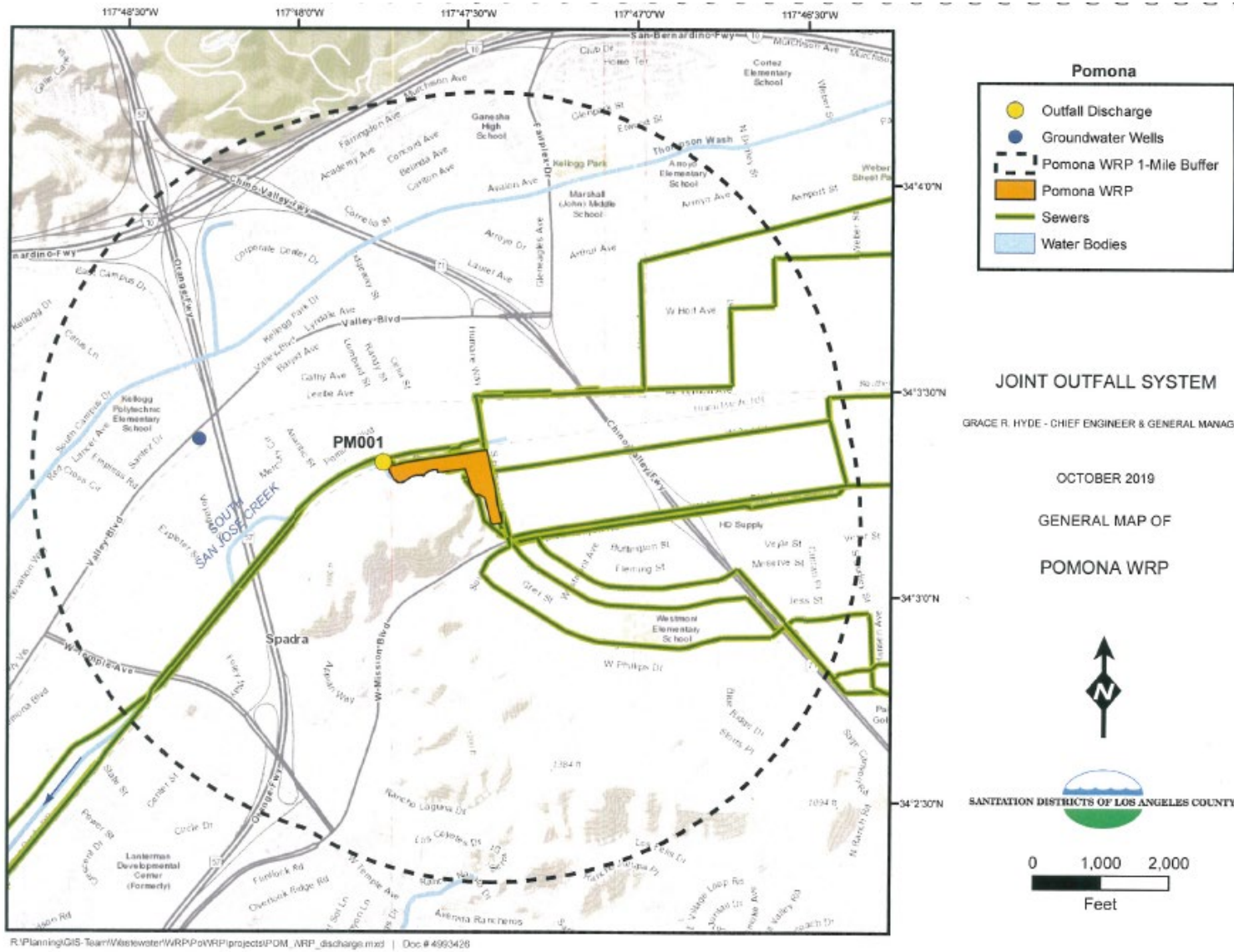
**Statistical Threshold Value (STV)**

The STV for the bacteria water quality objectives is a set value that approximates the 90<sup>th</sup> percentile of the water quality distribution of a bacterial population.

**Toxicity Reduction Evaluation (TRE)**

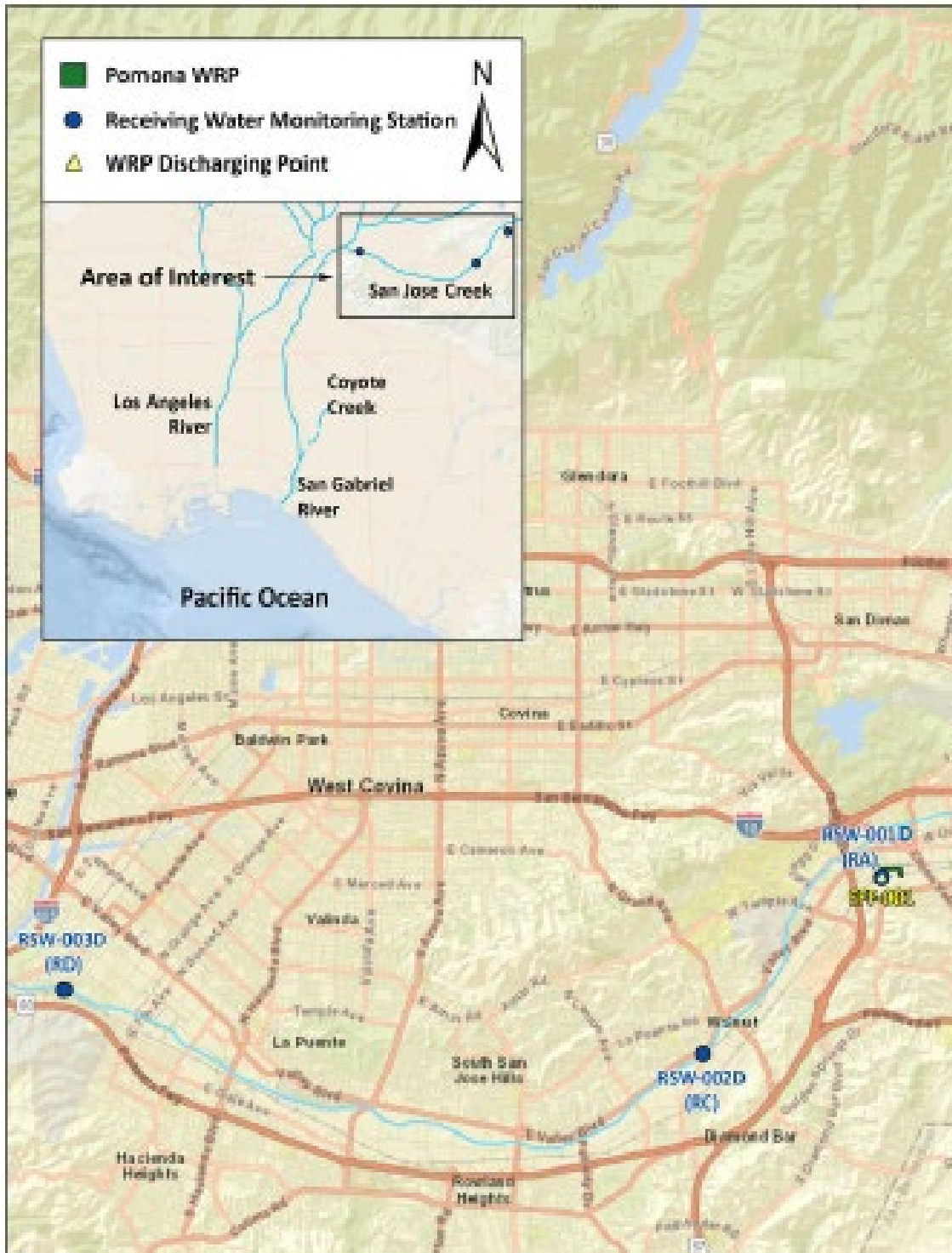
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection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

**ATTACHMENT B1 – MAP OF POMONA WRP & SURROUNDING AREA**



R:\Planning\GIS-Team\Water\WRP\Projects\POM\_WRP\_discharges.mxd | Doc # 4993428

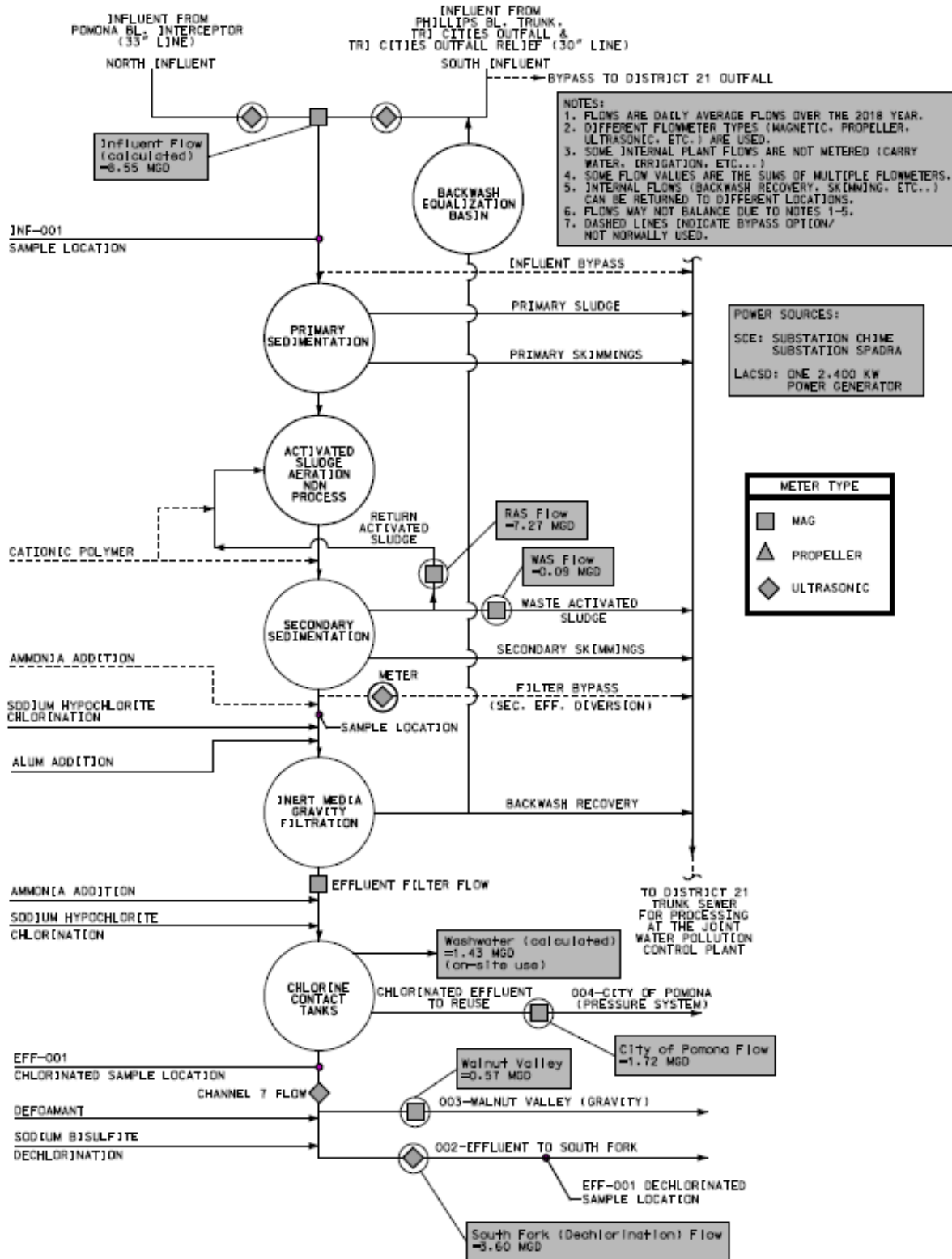
**ATTACHMENT B2 –MAP OF DISCHARGE POINT & RECEIVING WATER STATIONS**



**Figure 2.1 Pomona WRP  
Effluent Discharge Point & Receiving Water Stations**

Miles  
0 0.5 1 2  
Doc#: 4951717

ATTACHMENT C – FLOW SCHEMATIC



LACSD/WW/JD/TREATMENT/PO/FACILITY MODE/PO-W-0008/FC-001\_PO#0008\_2019.sht

OCT 09, 2019

## **ATTACHMENT D – STANDARD PROVISIONS**

### **1. STANDARD PROVISIONS – PERMIT COMPLIANCE**

#### **1.1. Duty to Comply**

1.1.1. The Discharger must comply with all the 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. (Title 40 of the Code of Federal Regulations (40 CFR) § 122.41(a); California Water Code (Water Code), §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

1.1.2. The Discharger shall 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 CFR § 122.41(a)(1).)

#### **1.2. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR § 122.41(c).)

#### **1.3. Duty to Mitigate**

The Discharger shall 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 CFR § 122.41(d).)

#### **1.4. Proper Operation and Maintenance**

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

#### **1.5. Property Rights**

1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR § 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 CFR § 122.5(c).)



## 1.6. Inspection and Entry

The Discharger shall allow the Los Angeles Water Board, State Water Board, 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)(B); 40 CFR § 122.41(i); Water 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)(B)(i); 40 CFR § 122.41(i)(1); Water 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)(B)(ii); 40 CFR § 122.41(i)(2); Water 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)(B)(ii); 40 CFR § 122.41(i)(3); Water 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)(B); 40 CFR § 122.41(i)(4); Water Code, §§ 13267, 13383.)

## 1.7. Bypass

### 1.7.1. Definitions

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

### 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 CFR § 122.41(m)(2).)

### 1.7.3. Prohibition of bypass.

Bypass is prohibited, and the Los Angeles Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR § 122.41(m)(4)(i)(A));
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR § 122.41(m)(4)(i)(B)); and
- c. The Discharger submitted notice to the Los Angeles Water Board as required under Standard Provisions – Permit Compliance 1.7.5 below. (40 CFR § 122.41(m)(4)(i)(C).)

1.7.4. The Los Angeles Water Board may approve an anticipated bypass, after considering its adverse effects, if the Los Angeles Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance 1.7.3 above. (40 CFR § 122.41(m)(4)(ii).)

#### 1.7.5. Notice

- a. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(m)(3)(i).)
- b. **Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting 5.5 below (24-hour notice). As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 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 CFR § 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 CFR § 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 shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR § 122.41(n)(3)):
- a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR § 122.41(n)(3)(i));
  - b. The permitted facility was, at the time, being properly operated (40 CFR § 122.41(n)(3)(ii));
  - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting 5.5.2.2 below (24-hour notice) (40 CFR § 122.41(n)(3)(iii)); and
  - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance 1.3 above. (40 CFR § 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 CFR § 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 CFR § 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 CFR § 122.41(b).)

### 2.3. Transfers

This Order is not transferable to any person except after notice to the Los Angeles Water Board. The Los Angeles 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 CFR §§ 122.41(l)(3), 122.61.)

### **3. STANDARD PROVISIONS – MONITORING**

- 3.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR § 122.41(j)(1).)
- 3.2. Monitoring must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 CFR part 136 for the analysis of pollutants or pollutant parameters or as required under 40 CFR 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 CFR part 136 or required under 40 CFR 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 CFR part 136 or otherwise required under 40 CFR chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 CFR §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

### **4. STANDARD PROVISIONS – RECORDS**

- 4.1. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Los Angeles Water Board Executive Officer at any time. (40 CFR § 122.41(j)(2).)
- 4.2. Records of monitoring information shall include:
  - 4.2.1. The date, exact place, and time of sampling or measurements (40 CFR § 122.41(j)(3)(i));
  - 4.2.2. The individual(s) who performed the sampling or measurements (40 CFR § 122.41(j)(3)(ii));
  - 4.2.3. The date(s) analyses were performed (40 CFR § 122.41(j)(3)(iii));
  - 4.2.4. The individual(s) who performed the analyses (40 CFR § 122.41(j)(3)(iv));

- 4.2.5. The analytical techniques or methods used (40 CFR § 122.41(j)(3)(v)); and
- 4.2.6. The results of such analyses. (40 CFR § 122.41(j)(3)(vi).)
- 4.3. Claims of confidentiality for the following information will be denied (40 CFR § 122.7(b)):
  - 4.3.1. The name and address of any permit applicant or Discharger (40 CFR § 122.7(b)(1)); and
  - 4.3.2. Permit applications and attachments, permits and effluent data. (40 CFR § 122.7(b)(2).)

## **5. STANDARD PROVISIONS – REPORTING**

### **5.1. Duty to Provide Information**

The Discharger shall furnish to the Los Angeles Water Board, State Water Board, or USEPA within a reasonable time, any information which the Los Angeles 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 shall also furnish to the Los Angeles Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 CFR § 122.41(h); Water Code, §§ 13267, 13383.)

### **5.2. Signatory and Certification Requirements**

- 5.2.1. All applications, reports, or information submitted to the Los Angeles Water Board, State Water Board, and/or USEPA shall 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 CFR § 122.41(k).)
- 5.2.2. All permit applications shall 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., Los Angeles Administrators of U.S. EPA). (40 CFR § 122.22(a)(3).)
- 5.2.3. All reports required by this Order and other information requested by the Los Angeles Water Board, State Water Board, or USEPA shall 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:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting 5.2.2 above (40 CFR § 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or

position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR § 122.22(b)(2)); and

- c. The written authorization is submitted to the Los Angeles Water Board and State Water Board. (40 CFR § 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 Los Angeles Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR § 122.22(c).)

5.2.5. Any person signing a document under Standard Provisions – Reporting 5.2.2 or 5.2.3 above shall make the following certification:

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

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 shall meet all relevant requirements of Standard Provisions – Reporting 5.2, and shall ensure that all relevant requirements of 40 CFR part 3 (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 CFR § 122.22(e).)

### **5.3. Monitoring Reports**

5.3.1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 CFR § 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 Los Angeles Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 and comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 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 CFR part 136, or another

method required for an industry-specific waste stream under 40 CFR chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Los Angeles Water Board or State Water Board. (40 CFR § 122.41(l)(4)(ii).)

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

#### **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, shall be submitted no later than 14 days following each schedule date. (40 CFR § 122.41(l)(5).)

#### **5.5. Twenty-Four Hour Reporting**

5.5.1. The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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 must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 The reports shall comply with 40 CFR part 3, 40 C.F.R. section 122.22, and 40 CFR part 127. The Los Angeles 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 CFR § 122.41(l)(6)(i).)

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

- a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(A).)
- b. Any upset that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(B).)

5.5.3. The Los Angeles 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 CFR § 122.41(l)(6)(ii)(B).)

## **5.6. Planned Changes**

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

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 CFR § 122.41(l)(1)(i)); or

Select only one of the two following choices for paragraph 2. Select the first choice below if the discharge is not an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in section 122.42(a). Otherwise, if the discharge is from such a facility, select the second choice.

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 CFR § 122.41(l)(1)(ii).)

5.6.3. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR § 122.41(l)(1)(iii))

## **5.7. Anticipated Noncompliance**

The Discharger shall give advance notice to the Los Angeles Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 CFR § 122.41(l)(2).)

## **5.8. Other Noncompliance**

The Discharger shall 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 shall 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 shall contain the information described in Standard Provision – Reporting 5.5 and the applicable required data in appendix A to 40 CFR part 127. The Los Angeles 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 CFR § 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 Los Angeles Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR § 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 CFR part 127 to the initial recipient defined in 40 CFR 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 CFR section 127.2(c)]. USEPA will update and maintain this listing. (40 CFR § 122.41(l)(9).)

### **6. STANDARD PROVISIONS – ENFORCEMENT**

6.1. The Los Angeles 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.

6.2. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who *knowingly* violates such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than

\$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions (40 CFR § 122.41(a)(2); Water Code section 13385 and 13387).

- 6.3. Any person may be assessed an administrative penalty by the Administrator of USEPA, the Los Angeles Water Board, or State Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000. (40 CFR § 122.41(a)(3))
- 6.4. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. (40 CFR § 122.41(j)(5)).
- 6.5. 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, or by imprisonment for not more than six months per violation, or by both. (40 CFR § 122.41(k)(2)).

## **7. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS**

### **7.1. Publicly Owned Treatment Works (POTWs)**

All POTWs shall provide adequate notice to the Los Angeles Water Board of the following (40 CFR § 122.42(b)):

- 7.1.1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 CFR § 122.42(b)(1)); and
- 7.1.2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. (40 CFR § 122.42(b)(2).)

- 7.1.3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 CFR § 122.42(b)(3).)

**ATTACHMENT E – MONITORING AND REPORTING PROGRAM**

**TABLE OF CONTENTS**

1. GENERAL MONITORING PROVISIONS .....	E-2
2. MONITORING LOCATIONS.....	E-5
3. INFLUENT MONITORING REQUIREMENTS.....	E-7
4. EFFLUENT MONITORING REQUIREMENTS.....	E-8
5. CHRONIC WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS.....	E-13
5.1. Discharge In-stream Waste Concentration (IWC) for Chronic Toxicity .....	E-13
5.2. Sample Volume and Holding Time.....	E-13
5.3. Chronic Freshwater Species and Test Methods.....	E-14
5.4. Species Sensitivity Screening.....	E-14
5.5. Quality Assurance and Additional Requirements .....	E-15
5.6. Preparation of an Initial Investigation TRE Work Plan.....	E-17
5.7. Toxicity Reduction Evaluation (TRE) Process.....	E-17
5.8. Reporting.....	E-19
5.9. Ammonia Removal .....	E-19
5.10. Chlorine Removal .....	E-20
6. LAND DISCHARGE MONITORING REQUIREMENTS (NOT APPLICABLE) .....	E-20
7. RECYCLING MONITORING REQUIREMENTS (NOT APPLICABLE).....	E-20
8. RECEIVING WATER MONITORING REQUIREMENTS .....	E-20
8.1. Monitoring Location RSW-001D, RSW-002D, and RSW-003D .....	E-20
8.2. TMDL Stream Flow and Rainfall Monitoring.....	E-25
9. STORMWATER MONITORING REQUIREMENTS – NOT APPLICABLE.....	E-25
10. OTHER MONITORING REQUIREMENTS .....	E-25
10.1. Watershed Monitoring .....	E-25
10.2. Tertiary Filter Treatment Bypasses .....	E-27
10.3. Monitoring of Volumetric Data for Wastewater and Recycled Water.....	E-27
11. REPORTING REQUIREMENTS .....	E-28
11.1. General Monitoring and Reporting Requirements .....	E-28
11.2. Self-Monitoring Reports (SMRs) .....	E-29
11.3. Discharge Monitoring Reports (DMRs).....	E-32
11.4. Other Reports .....	E-32

**TABLES**

Table E-1. Monitoring Station Locations.....	E-5
Table E-2. Influent Monitoring .....	E-7
Table E-3. Effluent Monitoring.....	E-9
Table E-4. USEPA Methods and Test Acceptability Criteria.....	E-16
Table E-5. Receiving Water Monitoring Requirements.....	E-20
Table E-6. TMDL Stream Flow and Rainfall Monitoring Requirements.....	E-25
Table E-7. Monitoring Periods and Reporting Schedule.....	E-29

**Figures**

Figure E-1 – Discharge Point EFF-001and Receiving Water Station RSW-001D.....	E-6
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## ATTACHMENT E – MONITORING AND REPORTING PROGRAM, CI-0755

Section 308 of the federal Clean Water Act (CWA) and sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 CFR) require that all NPDES permits specify monitoring and reporting requirements. Water Code section 13383 also authorizes the Los Angeles Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations.

### 1. GENERAL MONITORING PROVISIONS

- 1.1. All samples shall be representative of the waste discharge under conditions of peak load. Results of quarterly, semiannual, and annual analyses shall be reported by the due date specified in Table E-7 of the MRP.
- 1.2. Pollutants, except those analyzed in the field, shall be analyzed using the analytical methods described in 40 CFR parts 136.3, 136.4, and 136.5; or where no methods are specified for a given pollutant, by methods approved by the Los Angeles Water Board or the State Water Board.
- 1.3. **Laboratory Certification.** Laboratories analyzing samples shall be certified by the State Water Resources Control Board, Division of Drinking Water (DDW) Environmental Laboratory Accreditation Program (ELAP) in accordance with Water Code 13176 and must include quality assurance/quality control (QA/QC) data in their reports. A copy of the laboratory certification shall be provided in the Annual Report due to the Los Angeles Water Board each time a new certification and/or renewal of the certification is obtained from ELAP.
- 1.4. Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 CFR § 136.3. All QA/QC analyses must be run on the same dates that samples are analyzed. The Permittee shall retain the QA/QC documentation in its files and make available for inspection and/or submit them when requested by the Los Angeles Water Board. Proper chain of custody procedures must be followed, and a copy of that documentation shall be submitted with the quarterly report.
- 1.5. The Permittee shall calibrate and perform maintenance procedures on all monitoring instruments and to ensure accuracy of measurements or shall ensure that both equipment activities will be conducted.
- 1.6. For any analyses performed for which no procedure is specified in the United States Environmental Protection Agency (USEPA) guidelines, or in the MRP, the constituent or parameter analyzed, and the method or procedure used must be specified in the monitoring report.
- 1.7. Each monitoring report must affirm in writing that “with the exception of field tests, all analyses were conducted at a laboratory certified for such analyses by the Environmental Laboratory Accreditation Program (ELAP) through the State Water Resources Control Board, Division of Drinking Water; were approved by

the Regional Water Board Executive Officer in accordance with current USEPA guideline procedures; or were performed as specified in this Monitoring and Reporting Program.”

- 1.8. The monitoring report shall specify the USEPA analytical method used, the Method Detection Limit (MDL), and the Reporting Level (RL) [the applicable minimum level (ML) or reported Minimum Level (RML)] for each pollutant. The MLs are those published by the State Water Resources Control Board (State Water Board) in the *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, (State Implementation Policy or SIP)*, February 9, 2005, Appendix 4. The ML represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interference. When all specific analytical steps are followed and after appropriate application of method specific factors, the ML also represents the lowest standard in the calibration curve for that specific analytical technique. When there is deviation from the method analytical procedures, such as dilution or concentration of samples, other factors may be applied to the ML depending on the sample preparation. The resulting value is the reported ML.
- 1.9. The Permittee shall select the analytical method that provides an ML lower than the permit limit established for a given parameter, unless the permittee can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR part 136, and obtains approval for a higher ML from the Executive Officer, as provided for in section 1.11 below. If the effluent limitation is lower than all the MLs in Appendix 4, SIP, the Permittee must select the method with the lowest ML for compliance purposes. The Permittee shall include in the Annual Summary Report a list of the analytical methods employed for each test.
- 1.10. The Permittee shall instruct its laboratories to establish calibration standards so that the ML (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Permittee to use analytical data derived from extrapolation beyond the lowest point of the calibration curve. In accordance with section 1.11 below, the Permittee’s laboratory may employ a calibration standard lower than the ML in Appendix 4 of the SIP.
- 1.11. In accordance with section 2.4.3 of the SIP, the Los Angeles Water Board Executive Officer, in consultation with the State Water Board’s Quality Assurance Program Manager, may establish an ML that is not contained in Appendix 4 of the SIP to be included in the Permittee’s permit in any of the following situations:
  - 1.11.1. When the pollutant under consideration is not included in Appendix 4, SIP;
  - 1.11.2. When the Permittee and the Los Angeles Water Board agree to include in the permit a test method that is more sensitive than those specified in 40 CFR part 136;

- 1.11.3. When the Permittee agrees to use an ML that is lower than those listed in Appendix 4;
- 1.11.4. When the Permittee demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Appendix 4 and proposes an appropriate ML for the matrix; or,
- 1.11.5. When the Permittee uses a method, which quantification practices are not consistent with the definition of the ML. Examples of such methods are USEPA-approved method 1613 for dioxins, and furans, method 1624 for volatile organic substances, and method 1625 for semi-volatile organic substances. In such cases, the Permittee, the Los Angeles Water Board, and the State Water Board shall agree on a lowest quantifiable limit and that limit will substitute for the ML for reporting and compliance determination purposes.

If there is any conflict between foregoing provisions and the SIP, the provisions stated in the SIP (section 2.4) shall prevail.

- 1.12. If the Permittee samples and performs analyses (other than for process/operational control, startup, research, or equipment testing) on any influent, effluent, or receiving water constituent more frequently than required by this MRP using approved analytical methods, the results of those analyses shall be included in the report. These results shall be reflected in the calculation of the average used in demonstrating compliance with limitations set forth in this Order.
- 1.13. The Permittee shall develop and maintain a record of all spills or bypasses of raw or partially treated sewage from its collection system or treatment plant according to the requirements in the WDR section of this Order. This record shall be made available to the Los Angeles Water Board upon request and a spill summary shall be included in the annual summary report.
- 1.14. For all bacteriological analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for *Enterococcus*). The detection methods used for each analysis shall be reported with the results of the analyses.
  - 1.14.1. Detection methods used for coliforms (total and fecal) shall be those presented in Table 1A of 40 CFR part 136, unless alternate methods have been approved in advance by the USEPA pursuant to 40 CFR part 136.
  - 1.14.2. Detection methods used for *E. coli* shall be those presented in Table 1A of 40 CFR part 136 or in the USEPA publication EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure*, or any improved method determined by the Los Angeles Water Board to be appropriate.
- 1.15. The Permittee shall ensure 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

1001 I Street, Sacramento, CA 95814

## 2. MONITORING LOCATIONS

The Discharger 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**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
---	Influent Monitoring Station INF-001	<p>Sampling stations shall be established at each point of inflow to the sewage treatment plant and shall be located upstream of any in-plant return flows and/or where representative samples of the influent can be obtained.</p> <p>Latitude 34.0555° Longitude -117.7928°</p>
001	Effluent Monitoring Station EFF-001	<p>Often recycled water demand is high and there is no effluent water available for sampling after the dechlorination process. Therefore, the effluent sampling station shall be located downstream of any in-plant return flows and right after chlorination, for all effluent parameters except for total residual chlorine. Total residual chlorine grab samples shall be collected after the final dechlorination process, where representative samples of the effluent can be obtained after the complete treatment train. Under normal conditions, treated effluent is discharged through Discharge Point 001 by gravity flow.</p> <p>Latitude 34.0552° Longitude -117.7955°</p>



<b>Discharge Point Name</b>	<b>Monitoring Location Name</b>	<b>Monitoring Location Description</b>
RSW-001D	Receiving Water Monitoring Station RSW-001D	South Fork San Jose Creek, 12 feet downstream of Discharge Point 001. This location is also used for the ammonia receiving water point of compliance. Latitude 34.0552° Longitude -117.7956°
RSW-002D	Receiving Water Monitoring Station RSW-002D	San Jose Creek, downstream of Station RSW-001D (station R-C). Latitude 34.017639° Longitude -117.842667°
RSW-003D	Receiving Water Monitoring Station RSW-003D	San Jose Creek, downstream of Station RSW-002D, 200 yards downstream from Third Avenue in the City of Industry (station R-D). Latitude 34.0321° Longitude -118.0032°
--	TMDL Dry and Wet Weather Flow Monitoring Station RSW-004D	San Gabriel River, above the Whittier Narrows Dam, at United States Geological Survey (USGS) Gauging Station #11087020, which is operated by the USGS. Latitude 34.03416 Longitude -118.037222°

The North latitude and West longitude information in Table E-1 are approximate for administrative purposes. See Attachment B1 for a map including the monitoring locations.

**Figure E-1 – Discharge Point EFF-001 and Receiving Water Station RSW-001D**



### 3. INFLUENT MONITORING REQUIREMENTS

Influent monitoring is required to:

- Determine compliance with NPDES permit conditions.
- Assess treatment plant performance.
- Assess effectiveness of the pretreatment program.

The Discharger shall monitor influent to the facility at INF-001 as follows:

**Table E-2. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Flow	MGD	Recorder	continuous	b and c
pH	pH unit	grab	weekly	a
Temperature	°F	grab	weekly	a
Total Suspended Solids (TSS)	mg/L	24-hour composite	weekly	a
Biochemical Oxygen Demand (BOD <sub>5</sub> 20°C)	mg/L	24-hour composite	weekly	a
TDS	mg/L	24-hour composite	quarterly	a
Chloride	mg/L	24-hour composite	quarterly	a

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Sulfate	mg/L	24-hour composite	quarterly	a
Ammonia as N	mg/L	24-hour composite	quarterly	a
Nitrate plus nitrite as N	mg/L	24-hour composite	quarterly	a
Total nitrogen	mg/L	24-hour composite	quarterly	a
Total Trihalomethanes	µg/L	Grab	quarterly	a
Lead	µg/L	24-hour composite	monthly	a
Selenium	µg/L	24-hour composite	monthly	a
Silver	µg/L	24-hour composite	monthly	a
Dieldrin	µg/L	24-hour composite	quarterly	a
PCBs as Aroclors	pg/L	24-hour composite	semiannually	d
Remaining EPA priority pollutants excluding asbestos	µg/L	24-hour composite/grab for VOCs and cyanide	semiannually	e

**Footnotes for Table E-2**

- a. Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136; where no methods are specified for a given pollutant, by methods approved by this Los Angeles Water Board or State Water Board. For any pollutant whose effluent limitation is lower than all the MLs specified in Attachment 4 of the SIP, the analytical method with the lowest ML must be selected.
- b. The Pomona WRP currently uses a combination of ultra-sonic and laser level flow meters for continuous flow monitoring of the influent. Flow from the recorder shall be reported.
- c. The daily flow, the monthly average flow, and instantaneous peak daily flow (24-hr basis) shall be reported. Actual monitored flow shall be reported (not the maximum flow, i.e., design capacity).
- d. PCBs as aroclors shall be analyzed using method EPA 608.3.
- e. Priority pollutants are those constituents referred to in 40 CFR part 401.15; a list of these pollutants is provided as Appendix A to 40 CFR part 423.

**End of Footnotes for Table E-2**

**4. EFFLUENT MONITORING REQUIREMENTS**

Effluent monitoring is required to:

- Determine compliance with National Pollutant Discharge Elimination System (NPDES) permit conditions and water quality standards.
- Assess and improve plant performance and identify operational problems.
- Provide information on wastewater characteristics and flows for use in interpreting water quality and biological data.
- Determine reasonable potential analysis for toxic pollutants.

- Determine waste load allocation compliance and TMDL effectiveness.

The Permittee shall monitor the discharge of tertiary-treated effluent at EFF-001 as follows. Monitoring at EFF-001 is only required when discharge from the outfall is occurring. If more than one analytical test method is listed for a given parameter, the Permittee must select from the listed methods and corresponding minimum level:

**Table E-3. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Total waste flow	MGD	recorder	continuous	b
Turbidity	NTU	grab	continuous	a, b and c
Total residual chlorine	mg/L	recorder	continuous	a, b and d
Total residual chlorine	mg/L	grab	daily	a, d and e
Total coliform	MPN/100mL or CFU/100mL	grab	weekly	a and c
<i>E. coli</i>	MPN/100mL or CFU/100mL	grab	weekly	a and f
Temperature	°F	grab	weekly	a and g
pH	pH units	grab	weekly	a and g
Settleable solids	mL/L	grab	weekly	a
Total Suspended Solids (TSS)	mg/L	24-hour composite	weekly	a
BOD <sub>5</sub> 20°C	mg/L	24-hour composite	weekly	a and h
Oil and grease	mg/L	grab	quarterly	a
Dissolved oxygen	mg/L	grab	monthly	a
Total Dissolved Solids	mg/L	24-hour composite	monthly	a
Sulfate	mg/L	24-hour composite	monthly	a
Chloride	mg/L	24-hour composite	monthly	a
Boron	mg/L	24-hour composite	monthly	a
Fluoride	mg/L	24-hour composite	semiannually	a
Ammonia Nitrogen	mg/L	24-hour composite	monthly	g
Nitrite nitrogen	mg/L	24-hour composite	monthly	g
Nitrate nitrogen	mg/L	24-hour composite	monthly	g
Nitrate + Nitrite (as nitrogen)	mg/L	24-hour composite	monthly	g

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Organic nitrogen	mg/L	24-hour composite	monthly	g
Total nitrogen	mg/L	24-hour composite	monthly	g
Total Kjeldahl Nitrogen (TKN)	mg/L	24-hour composite	monthly	g
Total phosphorus	mg/L	24-hour composite	quarterly	a
Orthophosphate-P	mg/L	24-hour composite	quarterly	a
Surfactants (MBAS)	mg/L	24-hour composite	quarterly	a
Surfactants (CTAS)	mg/L	24-hour composite	quarterly	a
Total hardness (CaCO <sub>3</sub> )	mg/L	24-hour composite	monthly	a
Chronic toxicity <i>Ceriodaphnia dubia</i> Survival and reproduction endpoints	Pass or Fail (TST), % Effect	24-hour composite	monthly	i
Antimony	µg/L	24-hour composite	semiannually	a
Arsenic	µg/L	24-hour composite	semiannually	a
Cadmium	µg/L	24-hour composite	semiannually	a
Chromium III	µg/L	calculated	semiannually	j
Chromium VI	µg/L	grab	semiannually	a
Total Chromium	µg/L	grab	semiannually	a
Copper	µg/L	24-hour composite	quarterly	a
Lead	µg/L	24-hour composite	monthly	a
Selenium	µg/L	24-hour composite	monthly	a
Iron	µg/L	24-hour composite	quarterly	a
Mercury	µg/L	24-hour composite	semiannually	a
Nickel	µg/L	24-hour composite	semiannually	a
Silver	µg/L	24-hour composite	monthly	a
Thallium	µg/L	24-hour composite	semiannually	a
Zinc	µg/L	24-hour composite	semiannually	a
Cyanide	µg/L	grab	semiannually	a
Bromoform	µg/L	grab	monthly	a
Chloroform	µg/L	grab	monthly	a
Bromodichloro-methane	µg/L	grab	monthly	a

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Chlorodibromo-methane	µg/L	grab	monthly	a
Total trihalomethanes (TTHMs)	µg/L	grab/calculated sum	monthly	k
Bis(2-ethylhexyl) phthalate	µg/L	24-hour composite	quarterly	a
Dieldrin	µg/L	24-hour composite	quarterly	a
PCBs as Aroclors	pg/L	24-hour composite	annually	l
PCBs as congeners	pg/L	24-hour composite	annually	l
Radioactivity (Including gross alpha, gross beta, combined radium-226 and radium-228, tritium, strontium-90 and uranium)	pCi/L	24-hour composite	semiannually	m
2,3,7,8-TCDD equivalents	pg/L	24-hour composite	semiannually	n
Chlorpyrifos	µg/L	24-hour composite	annually	o
Diazinon	µg/L	24-hour composite	annually	o
Perchlorate	µg/L	grab	annually	p
Methyl tert-butyl-ether (MTBE)	µg/L	grab	annually	p
1,4-dioxane	µg/L	grab	annually	p
1,2,3-Trichloropropane	µg/L	grab	annually	p
N-Nitrosodimethyl-amine (NDMA)	µg/L	24-hour composite	semiannually	a
Remaining EPA priority pollutants excluding asbestos	µg/L	24-hour composite; grab for VOCs	semiannually	q

**Footnotes for Table E-3**

- a. Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136; where no methods are specified for a given pollutant, by methods approved by this Los Angeles Water Board or State Water Board. For any pollutant whose effluent limitation is lower than all the MLs specified in Attachment 4 of the SIP, the analytical method with the lowest ML must be selected.
- b. Where continuous monitoring of a constituent is required, the following shall be reported:

- Total waste flow – Total daily, monthly average, and peak daily flow (24-hour basis);  
Turbidity – maximum daily value, total amount of time each day the turbidity exceeded 5 NTU, flow-proportioned average daily value. A grab sample can be used to determine compliance with the 10 NTU limit. A flow-weighted 24-hour composite sample may be used in place of the recorder to determine the flow-proportioned average daily value.
- c. Coliform and turbidity samples shall be obtained at some point in the treatment process at a time when wastewater flow and characteristics are most demanding on the treatment facilities, filtration, and disinfection procedures.
  - d. Total residual chlorine shall be recorded continuously. The recorded data shall be maintained by the Permittee for at least five years. The Permittee shall extract the maximum daily peak, minimum daily peak, and average daily from the recorded media and shall be made available upon request of the Los Angeles Water Board. The continuous monitoring data are not intended to be used for compliance determination purposes.
  - e. Daily grab samples shall be collected at monitoring location EFF-001 Monday through Friday only, except for holidays. Analytical results of daily grab samples will be used to determine compliance with total residual chlorine effluent limitation. Furthermore, additional monitoring requirements specified in section 4.1.2. shall be followed.
  - f. E. coli testing shall be conducted only if total coliform testing is positive. If the total coliform analysis results in no detection, a result of less than (<) the reporting limit for total coliform will be reported for E. coli.
  - g. Nitrate nitrogen, nitrite nitrogen, ammonia nitrogen, organic nitrogen, total kjeldahl nitrogen, pH, and temperature sampling shall be conducted on the same day or as close to concurrently as possible.
  - h. If the result of the weekly BOD analysis yields a value greater than the average monthly effluent limitation (AMEL), the frequency of analysis shall be increased to daily within one week of knowledge of the test result for at least 30 days and until compliance with the average weekly effluent limitation (AWEL) and AMEL BOD limits is demonstrated; after which the frequency shall revert to weekly.
  - i. The Permittee shall conduct whole effluent toxicity monitoring using the *Ceriodaphnia dubia* as the test species, as outlined in section 5 of this MRP. If the initial chronic aquatic toxicity monitoring test, collected in the beginning of the month, results in a "Fail" at the instream waste concentration (IWC), then the Pomona WRP shall initiate up to two additional chronic aquatic toxicity tests in the remainder of the month, to determine compliance with the MMEL.
  - j. The results for Chromium III shall be calculated by subtracting the Chromium VI concentration from the Total Chromium concentration.
  - k. Total trihalomethanes is the sum of concentrations of the trihalomethane compounds: bromodichloromethane, bromoform, chloroform, and dibromochloromethane.
  - l. PCBs as aroclors shall be analyzed using USEPA method 608.3. PCBs as congeners shall be analyzed using method 1668c. USEPA recommends that until the USEPA proposed method 1668c is incorporated into 40 CFR 136, permittees should use for discharge monitoring reports/State monitoring reports: (1) USEPA method 608 for monitoring data, reported as aroclor results, that will be used for determining compliance with WQBELs (if applicable) and (2) USEPA proposed method 1668c for monitoring data, reported as 41 congener results, that will be used for informational purposes.
  - m. Analyze these radiochemicals by the following USEPA methods: method 900.0 for gross alpha and gross beta, method 903.0 or 903.1 for radium-226, method 904.0 for radium-228, method 906.0 for tritium, method 905.0 for strontium-90, and method 908.0 for uranium. Analysis for combined radium-226 & 228 shall be conducted only if gross alpha results for

the same sample exceed 15 pCi/L or beta greater than 50 pCi/L. If radium-226 & 228 exceeds the stipulated criteria, analyze for tritium, strontium-90 and uranium.

- n. In accordance with the SIP, the Discharger shall conduct effluent monitoring for the seventeen 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or dioxin) congeners in the effluent and in the receiving water Station RSW-001D, located downstream of the discharge point 001 because there is no upstream receiving water station. The Discharger shall use the appropriate Toxicity Equivalence Factor (TEF) to determine Toxic Equivalence (TEQ). Where TEQ equals the product between each of the 17 individual congeners' (i) concentration analytical result (Ci) and their corresponding Toxicity Equivalence Factor (TEFi), (i.e.,  $TEQ_i = C_i \times TEF_i$ ). Compliance with the dioxin limitation shall be determined by the summation of the seventeen individual TEQs, or the following equation:

$$\text{Dioxin concentration in effluent} = \sum_{i=1}^{17} (TEQ_i) = \sum_{i=1}^{17} (C_i)(TEF_i)$$

- o. Chlorpyrifos and Diazinon may be analyzed using USEPA method 8141A or EPA 525.2.
- p. Emerging chemicals include 1,4-dioxane (USEPA 8270M test method), perchlorate (USEPA 314 test method, or USEPA method 331 if a detection limit of less than 6 µg/L is achieved), 1,2,3-trichloropropane (USEPA 504.1, 8260B test method, or USEPA 524.2 in SIM mode), and methyl tert-butyl ether (USEPA 8260B test method or USEPA method 624 if a detection level of less than 5 µg/L is achieved, and if the Permittee received ELAP certification to run USEPA method 624).
- q. Priority pollutants are those constituents referred to in 40 CFR part 401.15; a list of these pollutants is provided as Appendix A to 40 CFR part 423.

### **End of Footnotes for Table E-3.**

#### **4.1.2. Total Residual Chlorine Additional Monitoring**

Continuous monitoring of total residual chlorine at the current location shall serve as an internal trigger for the increased grab sampling at EFF-001 if either of the following occurs, except as noted in item c:

- a. Total residual chlorine concentration excursions of up to 0.3 mg/L lasting greater than 15 minutes; or
- b. Total residual chlorine concentration peaks in excess of 0.3 mg/L lasting greater than 1 minute; or
- c. Additional grab samples need not be taken if it can be demonstrated that a stoichiometrically appropriate amount of dechlorination chemical has been added to effectively dechlorinate the effluent to 0.1 mg/L or less for peaks in excess of 0.3 mg/L lasting more than 1 minute, but not for more than five minutes.

## **5. CHRONIC WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS**

### **5.1. Discharge In-stream Waste Concentration (IWC) for Chronic Toxicity**

The aquatic chronic toxicity IWC for this discharge is 100 percent effluent.

### **5.2. Sample Volume and Holding Time**

The total sample volume shall be determined by the specific toxicity test method used. Sufficient sample volume shall be collected to perform the required toxicity



test. For the receiving water, sufficient sample volume shall also be collected for subsequent TIE studies, if necessary, at each sampling event. All toxicity tests shall be conducted as soon as possible following sample collection. No more than 36 hours shall elapse before the conclusion of sample collection and test initiation.

### 5.3. Chronic Freshwater Species and Test Methods

If effluent samples are collected from outfalls discharging to receiving waters with salinity <1 ppt, the Permittee shall conduct the following chronic toxicity tests on effluent samples at the in-stream waste concentration for the discharge in accordance with species and test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR part 136). In no case shall these species be substituted with another test species unless written authorization from the Executive Officer is received.

- A static renewal toxicity test with the fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0).
- A static renewal toxicity test with the daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.01).
- A static toxicity test with the green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0).

### 5.4. Species Sensitivity Screening

The Permittee shall conduct species sensitivity screening prior to permit reissuance, but no later than 18 months prior to the expiration of Order No. R4-2021-XXX. For continuous dischargers, a species sensitivity screening includes four sets of testing, with a set of testing conducted in each quarter of a year. In each of the four sets, the Permittee shall collect a single effluent sample to initiate and concurrently conduct three toxicity tests using the fish, the invertebrate, and the alga species previously referenced. This sample shall also be analyzed for the parameters required on a monthly frequency for the discharge, during that given month. As allowed under the test method for the *Ceriodaphnia dubia* and the *Pimephales promelas*, a second and third sample may be collected for use as test solution renewal water as the seven-day toxicity test progresses. However, that same sample shall be used to renew both the *Ceriodaphnia dubia* and the *Pimephales promelas*. For non-continuous dischargers, a set of testing shall be conducted in each quarter in which there is expected to be at least 15 days of discharge. For non-continuous dischargers that discharge in only one quarter of the year in which there is expected to be at least 15 days of discharge, two sets of testing shall be conducted within the same quarter.

If the result of all three species is "Pass", then the species that exhibits the highest "Percent Effect" at the discharge IWC during species sensitivity screening shall be considered the most sensitive species in a given set. If only

one species fails, then that species shall be considered the most sensitive species in a given set. The species that had more fails in the four sets shall be considered the most sensitive species and shall be used for routine monitoring during the next permit cycle. If two or more species result in "Fail," then the species that exhibits the highest "Percent Effect" at the discharge IWC during the four sets of species sensitivity screening shall be used for routine monitoring during the next permit cycle.

During the calendar month, toxicity tests used to determine the most sensitive test species shall be reported as effluent compliance monitoring results for the chronic toxicity MDEL and MMEL.

### **5.5. Quality Assurance and Additional Requirements**

5.5.1. Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual previously referenced. Additional requirements are specified below. The discharge is subject to determination of "Pass" or "Fail" and "Percent Effect" from a chronic toxicity test using the Test of Significant Toxicity (TST) statistical t-test approach described in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, Table A-1 and Appendix B, Table B-1. The null hypothesis ( $H_0$ ) for the TST statistical approach is: Mean discharge IWC response  $\leq 0.75 \times$  Mean control response. A test result that rejects this null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail." The relative "Percent Effect" at the discharge IWC is defined and reported as:  $((\text{Mean control response} - \text{Mean discharge IWC response}) \div \text{Mean control response}) \times 100$ . This is a t-test (formally Student's t-Test), a statistical analysis comparing two sets of replicate observations - in the case of WET, only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is "Pass" or "Fail")). The Welch's t-test employed by the TST statistical approach is an adaptation of Student's t-test and is used with two samples having unequal variances.

5.5.2. To comply with the Median Monthly Effluent Limit (MMEL) for chronic toxicity, up to three independent toxicity tests may be conducted during a calendar month. If the initial toxicity test, conducted in the beginning of the month, results in "Fail" at the instream waste concentration (IWC), then the Pomona WRP shall initiate up to two additional chronic aquatic toxicity tests in the remainder of the month, to determine compliance with the MMEL. If the second test conducted in the month is also a "Fail," then that constitutes a violation of the MMEL. However, if the second and third tests result in a "Pass," then the discharge is in compliance with the MMEL.

5.5.3. If the effluent toxicity test does not meet all test acceptability criteria (TAC) and all required test conditions specified in the referenced test method *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving*

*Waters to Freshwater Organisms* (USEPA 2002, EPA-821-R-02-013) (See Table E-4 for the TAC, below), then the Permittee must re-sample and re-test within 14 days. Deviations from recommended test conditions, specified in the referenced test method *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (USEPA 2002, EPA-821-R-02-013), must be evaluated on a case-by-case to determine the validity of test results. The Discharger shall consider the degree of the deviation and the potential or observed impact of the deviation on the test results in consultation with the Los Angeles Water Board staff before rejecting or accepting a test result as valid, and shall report the results of the validity determination with supporting evidence for that decision in their monthly report.

**Table E-4. USEPA Methods and Test Acceptability Criteria**

<b>Species &amp; USEPA Test Method Number</b>	<b>Test Acceptability Criteria</b>
Fathead Minnow, <i>Pimephales promelas</i> , Larval Survival and Growth Test Method 1000.0. (Table 1 of Test Method)	80% or greater survival in controls; average dry weight per surviving organism in control chambers equals or exceeds 0.25 mg. (required)
Daphnid, <i>Ceriodaphnia dubia</i> , Survival and Reproduction Test Method 1002.0. Table 3 of Test Method)	80% or greater survival of all control organisms and an average of 15 or more young per surviving female in the control solutions. 60% of the surviving control females must produce three broods. (required)
Green Alga, <i>Selenastrum capricornutum</i> , Growth Toxicity Test Method 1003.0. (Table 3 of Test Method)	Mean cell density as least $1 \times 10^6$ cells/mL in the controls; and variability (CV%) among control replicates less than or equal to 20%. (required)

- 5.5.4. Dilution and control water, including brine controls, shall be laboratory water prepared and used as specified in the test methods manual. If dilution water and control water is different from test organism culture water, then a second control using culture water shall also be used.
- 5.5.5. Monthly reference toxicant testing is sufficient. All reference toxicant test results shall be reviewed and reported using the EC25, where EC25 is a point estimate of the toxicant concentration that would cause an observable adverse effect (e.g. death, immobilization, or serious incapacitation) in 25 percent of the test organisms.
- 5.5.6. The Permittee shall perform toxicity tests on final effluent samples. Chlorine and ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the

Monitoring and Reporting Program and the rationale is explained in the Fact Sheet (Attachment F).

### **5.6. Preparation of an Initial Investigation TRE Work Plan**

The Permittee shall prepare and submit a copy of the Permittee's initial investigation TRE work plan to the Executive Officer of the Los Angeles Water Board for approval within 90 days of the effective date of this permit. If the Executive Officer does not disapprove the work plan within 60 days, the work plan shall become effective. The Permittee shall use USEPA manual EPA/833B-99/002 (municipal) as guidance, or most current version, or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070, April 1989)*. At a minimum, the TRE Work Plan must contain the provisions in Attachment G. This work plan shall describe the steps that the Permittee intends to follow if toxicity is detected. At a minimum, the work plan shall include:

- A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
- A description of the Facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in the operation of the Facility.
- If a TIE is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).

### **5.7. Toxicity Reduction Evaluation (TRE) Process**

A TRE is required when toxicity is persistent, i.e., if the Discharger has any combination of two or more MDEL or MMEL violations within a single calendar month or within two successive calendar months. In addition, if other information indicates toxicity (e.g., results of additional monitoring, results of monitoring at a higher concentration than the IWC, fish kills, intermittent recurring toxicity), then the Executive Officer of the Los Angeles Water Board may require a TRE. Routine monitoring shall continue during the TRE process and TST results ("Pass" or "Fail", "Percent Effect") for chronic toxicity tests shall be reported as effluent compliance monitoring results for the chronic toxicity MDEL and MMEL. During the TRE process, the major ions ( $\text{Na}^+$ ,  $\text{K}^+$ ,  $\text{Ca}^{2+}$ ,  $\text{Mg}^{2+}$ ,  $\text{Cl}^-$ ,  $\text{SO}_4^{2-}$ , and  $\text{HCO}_3^-/\text{CO}_3^{2-}$ ), shall be analyzed for in effluent IWC, dilution water, and culture water used for toxicity testing. Those results shall be reported in the corresponding monitoring report.

**5.7.1. Preparation and Implementation of Detailed TRE Work Plan.** The Permittee shall immediately initiate a TRE using, according to the type of treatment facility, USEPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants (EPA/833/B-99/002, 1999)* or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070, April 1989)* and, within 30 days,

submit to the Executive Officer a Detailed TRE Work Plan, which shall follow the TRE Work Plan revised as appropriate for this toxicity event. It shall include the following information, and comply with additional conditions set by the Executive Officer:

- Further actions by the Permittee to investigate, identify, and correct the causes of toxicity.
- Actions the Permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity.
- A schedule for these actions, progress reports, and the final report.

**5.7.2. TIE Implementation.** The Permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, USEPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Chronic TIE Manual: Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996). The TIE should be conducted on the species demonstrating the most sensitive toxicity response.

5.7.3. Many recommended TRE elements parallel required or recommended efforts for source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. As toxic substances are identified or characterized, the Permittee shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with toxicity evaluation parameters.

5.7.4. The Permittee shall continue to conduct routine effluent monitoring and MMEL compliance monitoring while the TIE and/or TRE process is taking place. Additional TRE work plans are not required once a TRE has begun.

5.7.5. The Los Angeles Water Board recognizes that toxicity may be episodic and identification of causes and reduction of sources of toxicity may not be successful in all cases. However, the TRE shall be carried out in accordance with the Executive Officer-approved TRE Work Plan.

5.7.6. The Board may consider the results of any TIE/TRE studies in an enforcement action.

## 5.8. 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, "Report Preparation," including:

- 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, using the *Ceriodaphnia dubia*. 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 Table E-7.
- A summary of water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, total hardness, salinity, chlorine, and ammonia).
- The statistical analysis used in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010) Appendix A, Figure A-1, Table A-1, and Appendix B, Table B-1
- 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.
- Statistical program (e.g., TST calculator, CETIS, etc.) output results, including graphical plots, for each toxicity test.
- 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.
- Any additional QA/QC documentation or any additional chronic toxicity-related information, upon request from the Los Angeles Water Board Chief Deputy Executive Officer or the Executive Officer.

## 5.9. Ammonia Removal

5.9.1. Except with prior approval from the Executive Officer of the Los Angeles Water Board, ammonia shall not be removed from bioassay samples. The Permittee must demonstrate the effluent toxicity is caused by ammonia because of increasing test pH when conducting the toxicity test. It is important to distinguish the potential toxic effects of ammonia from other pH sensitive chemicals, such as certain heavy metals, sulfide, and cyanide. The following may be steps to demonstrate that the toxicity is caused by ammonia and not other toxicants before the Executive Officer would allow for control of pH in the test.

- There is consistent toxicity in the effluent and the maximum pH in the toxicity test is in the range to cause toxicity due to increased pH.
- Chronic ammonia concentrations in the effluent are greater than 4 mg/L total ammonia.
- Conduct graduated pH tests as specified in the TIE methods. For example, mortality should be higher at pH 8 and lower at pH 6.
- Treat the effluent with a zeolite column to remove ammonia. Mortality in the zeolite-treated effluent should be lower than the non-zeolite treated effluent. Then add ammonia back to the zeolite-treated samples to confirm toxicity is due to ammonia.

5.9.2. When it has been demonstrated that toxicity is due to ammonia because of increasing test pH, pH may be controlled using appropriate procedures which do not significantly alter the nature of the effluent, after submitting a written request to the Los Angeles Water Board, and receiving written permission expressing approval from the Executive Officer of the Los Angeles Water Board.

**5.10. Chlorine Removal**

Except with prior approval from the Executive Officer of the Los Angeles Water Board, chlorine shall not be removed from bioassay samples. However, chlorine may be removed from the Pomona WRP effluent bioassay samples in the laboratory because often the recycled water demand is high and there is no effluent water available for sampling over the weir after the dechlorination process.

**6. LAND DISCHARGE MONITORING REQUIREMENTS (NOT APPLICABLE)**

**7. RECYCLING MONITORING REQUIREMENTS (NOT APPLICABLE)**

**8. RECEIVING WATER MONITORING REQUIREMENTS**

**8.1. Monitoring Location RSW-001D, RSW-002D, and RSW-003D**

The Permittee shall monitor South Fork San Jose Creek at RSW-001D (12 feet downstream of Discharge Point 001); the main branch of San Jose Creek at RSW-002D (downstream of RSW-001D); and, RSW-003D (200 yards downstream from Third Avenue in the City of Industry), as follows (only if there is a discharge from Discharge Point 001):

**Table E-5. Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Note
Total flow	cfs	calculation	monthly	b
Turbidity	NTU	grab	monthly	a

Parameter	Units	Sample Type	Minimum Sampling Frequency	Note
Temperature	°F	grab	monthly	a and c
pH	pH units	grab	monthly	a and c
E. coli	MPN/100mL or CFU/100mL	grab	monthly	a
Total residual chlorine	mg/L	grab	monthly	a
Settleable solids	mL/L	grab	monthly	a
Total Suspended Solids (TSS)	mg/L	grab	monthly	a
BOD <sub>5</sub> 20°C	mg/L	grab	monthly	a
Oil and grease	mg/L	grab	quarterly	a
Dissolved oxygen	mg/L	grab	monthly	a
Total hardness (CaCO <sub>3</sub> )	mg/L	grab	monthly	a
Conductivity	µmho/cm	grab	monthly	a
Total Dissolved Solids	mg/L	grab	monthly	a
Sulfate	mg/L	grab	monthly	a
Chloride	mg/L	grab	monthly	a
Boron	mg/L	grab	monthly	a
Chronic toxicity Ceriodaphnia dubia Survival and reproduction endpoints	Pass or Fail (TST), % Effect	grab	quarterly	d
Ammonia Nitrogen	mg/L	grab	monthly	c
Nitrite nitrogen	mg/L	grab	monthly	c
Nitrate nitrogen	mg/L	grab	monthly	c
Nitrate + Nitrite (as nitrogen)	mg/L	grab	monthly	c
Organic nitrogen	mg/L	grab	monthly	c
Total nitrogen	mg/L	grab	monthly	c
Total Kjeldahl Nitrogen (TKN)	mg/L	grab	monthly	c



Parameter	Units	Sample Type	Minimum Sampling Frequency	Note
Total phosphorus	mg/L	grab	quarterly	a
Orthophosphate-P	mg/L	grab	quarterly	a
Surfactants (MBAS)	mg/L	grab	quarterly	a
Surfactants (CTAS)	mg/L	grab	quarterly	a
Antimony	µg/L	grab	semiannually	a
Arsenic	µg/L	grab	semiannually	a
Beryllium	µg/L	grab	semiannually	a
Cadmium	µg/L	grab	semiannually	a
Chromium III	µg/L	calculation	semiannually	e
Chromium VI	µg/L	grab	semiannually	e
Total chromium	µg/L	grab	semiannually	e
Copper	µg/L	grab	semiannually	a
Cyanide	µg/L	grab	semiannually	a
Lead	µg/L	grab	monthly	a
Mercury	µg/L	grab	semiannually	a
Nickel	µg/L	grab	semiannually	a
Selenium	µg/L	grab	monthly	a
Silver	µg/L	grab	monthly	a
Thallium	µg/L	grab	semiannually	a
Zinc	µg/L	grab	semiannually	a
Iron	µg/L	grab	quarterly	a
Fluoride	mg/L	grab	semiannually	a
Methoxychlor	µg/L	grab	semiannually	a
Bis(2-ethylhexyl) phthalate	µg/L	grab	semiannually	a
Chloroform	µg/L	grab	monthly	f
Bromoform	µg/L	grab	monthly	f
Dichlorobromomethane	µg/L	grab	monthly	f
Dibromochloromethane	µg/L	grab	monthly	f

Parameter	Units	Sample Type	Minimum Sampling Frequency	Note
Total trihalomethanes (TTHMs)	µg/L	calculation	monthly	f
Dieldrin	µg/L	grab	quarterly	a
Chlorpyrifos	µg/L	grab	annually	g
Diazinon	µg/L	grab	annually	g
Chlordane	µg/L	grab	semiannually	a
PCBs as Aroclors	pg/L	grab	annually	a and h
PCBs as congeners	pg/L	grab	annually	a and h
Toxaphene	µg/L	grab	semiannually	a
1,4-dioxane	µg/L	grab	annually	a and i
perchlorate	µg/L	grab	annually	a and i
1,2,3-trichloropropane	µg/L	grab	annually	a and i
Methyl tert-butyl-ether (MTBE)	µg/L	grab	annually	a and i
Radioactivity (Including gross alpha, gross beta, combined radium-226 and radium-228, tritium, strontium-90 and uranium)	pCi/L	grab	annually	a and j
2,3,7,8-TCDD equivalents	µg/L	grab	annually	a and k
Remaining EPA priority pollutants excluding asbestos	µg/L	grab	semiannually	a and l

**Footnotes for Table E-5**

- a. Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136; where no methods are specified for a given pollutant, by methods approved by this Los Angeles Water Board or State Water Board. For any pollutant whose effluent limitation is lower than all the MLs specified in Attachment 4 of the SIP, the analytical method with the lowest ML must be selected.
- b. When conditions at receiving water stations RSW-001D, RSW-002D, and RSW-003D prevent accurate measurement of flow, the flow may be qualitatively estimated and reported.

- c. Nitrate nitrogen, nitrite nitrogen, ammonia nitrogen, organic nitrogen, total kjeldahl nitrogen, pH, and temperature sampling shall be conducted on the same day or as close to concurrently as possible.
- d. The Permittee shall conduct Whole Effluent Toxicity monitoring as outlined in section 5 and report the results as "Pass" or "Fail" and "% Effect". If the initial chronic aquatic toxicity monitoring test results in a "Fail", then the Pomona WRP shall initiate up to two additional chronic toxicity tests within the remainder of the month, to determine compliance with the receiving water chronic toxicity WQO.
- e. The results for Chromium III shall be calculated by subtracting the Chromium VI concentration from the Total Chromium concentration.
- f. Total trihalomethanes is the sum of concentrations of the trihalomethane compounds: bromodichloromethane, bromoform, chloroform, and dibromochloromethane.
- g. Chlorpyrifos and Diazinon may be analyzed using USEPA method 8141A or EPA 525.2. Chlorpyrifos, Diazinon, and chronic effluent toxicity shall be sampled on the same day or as close to concurrently as possible.
- h. Receiving water samples will be analyzed for PCBs only at station RSW-002D, not at station RSW-001D or RSW-003D. PCBs as aroclors shall be analyzed using USEPA method 608.3. PCBs as congeners shall be analyzed using method 1668c. USEPA recommends that until USEPA proposed method 1668c for PCBs is incorporated into 40 CFR 136, Permittees should use for discharge monitoring reports/State monitoring reports: (1) USEPA method 608 for monitoring data, reported as aroclor results, that will be used for determining compliance with WQBELs (if applicable) and (2) USEPA proposed method 1668c for monitoring data, reported as 41 congener results, that will be used for informational purposes.
- i. Emerging chemicals include 1,4-dioxane (USEPA 8270M test method), perchlorate (USEPA 314 test method, or USEPA method 331 if a detection limit of less than 6 µg/L is achieved), 1,2,3-trichloropropane (USEPA 504.1, 8260B test method, or USEPA 524.2 in SIM mode), and methyl tert-butyl ether (USEPA 8260B test method or USEPA method 624 if a detection level of less than 5 µg/L is achieved, and if the Permittee received ELAP certification to run USEPA method 624).
- j. Analyze these radiochemicals by the following USEPA methods: method 900.0 for gross alpha and gross beta, method 903.0 or 903.1 for radium-226, method 904.0 for radium-228, method 906.0 for tritium, method 905.0 for strontium-90, and method 908.0 for uranium. Analysis for combined radium-226 & 228 shall be conducted only if gross alpha results for the same sample exceed 15 pCi/L or beta greater than 50 pCi/L. If radium-226 & 228 exceeds the stipulated criteria, analyze for tritium, strontium-90 and uranium.
- k. In accordance with the SIP, the Discharger shall conduct effluent monitoring for the seventeen 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or dioxin) congeners in the effluent and in the receiving water Station RSW-001D, located downstream of the discharge point 001 because there is no upstream receiving water station. The Discharger shall use the appropriate Toxicity Equivalence Factor (TEF) to determine Toxic Equivalence (TEQ). Where TEQ equals the product between each of the 17 individual congeners' (i) concentration analytical result (Ci) and their corresponding Toxicity Equivalence Factor (TEFi), (i.e.,  $TEQ_i = C_i \times TEF_i$ ). Compliance with the dioxin limitation shall be determined by the summation of the seventeen individual TEQs, or the following equation:
- l. Priority pollutants are those constituents referred to in 40 CFR part 401.15; a list of these pollutants is provided as Appendix A to 40 CFR part 423.

**End of Footnotes for Table E-5**

8.1.1. Receiving water samples shall not be collected during or within 48 hours following the flow of rainwater runoff into South Fork San Jose Creek or San Gabriel River.

8.1.2. Sampling may be rescheduled at the receiving water stations if weather and flow conditions would endanger the personnel collecting receiving water samples. The quarterly monitoring report shall note such occasions.

**8.2. TMDL Stream Flow and Rainfall Monitoring**

The Discharger shall report the maximum daily flow at the San Gabriel River at United States Geological Survey (USGS) station 11087020 (RSW-004D). This information is necessary to determine the wet-weather condition of the river as defined by the San Gabriel River Metals TMDL. If the gauging station is not operational, an estimated maximum daily flow may be submitted.

**Table E-6. TMDL Stream Flow and Rainfall Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and
Maximum Daily Flow	cubic feet per second (cfs)	recorder	daily	N/A

**9. STORMWATER MONITORING REQUIREMENTS – Not Applicable**

**10. OTHER MONITORING REQUIREMENTS**

**10.1. Watershed Monitoring**

10.1.1. The goals of the Watershed-wide Monitoring Program for the San Gabriel River Watershed are to:

- Determine compliance with receiving water limits;
- Monitor trends in surface water quality;
- Ensure protection of beneficial uses;
- Provide data for modeling contaminants of concern;
- Characterize water quality including seasonal variation of surface waters within the watershed;
- Assess the health of the biological community; and
- Determine mixing dynamics of effluent and receiving waters in the estuary.

10.1.2. To achieve the goals of the Watershed-wide Monitoring Program, the Discharger shall undertake the responsibilities delineated under an approved watershed-wide monitoring plan in the implementation of the Watershed-wide Monitoring Program for the San Gabriel River, which was approved by the Los Angeles Water Board on September 25, 2006.

10.1.3. In coordination with the Los Angeles County Public Works and other interested stakeholders in the San Gabriel River Watershed, the Permittee shall conduct instream bioassessment monitoring once a year, during the spring/summer period (unless an alternate sampling period is approved by the Executive Officer) and include an analysis of the community structure of the instream macroinvertebrate assemblages, the community structure of the instream algal assemblages, chlorophyll a and biomass for instream algae, and physical habitat assessment at the random monitoring stations designated by the San Gabriel River Watershed Monitoring Program. Over time, bioassessment monitoring will provide a measure of the physical condition of the waterbody and the integrity of its biological communities.

- a. The bioassessment program shall include an analysis of the community structure of the instream macroinvertebrate assemblages and physical habitat assessment at monitoring stations RSW-001D, RSW-002D, and RSW-003D.

This program shall be implemented by appropriately trained staff. Alternatively, a professional subcontractor qualified to conduct bioassessments may be selected to perform the bioassessment work for the Permittee. Analyses of the results of the bioassessment monitoring program, along with photographs of the monitoring site locations taken during sample collection, shall be submitted in the corresponding annual report. If another stakeholder, or interested party in the watershed subcontracts a qualified professional to conduct bioassessment monitoring during the same season and at the same location as specified in the MRP, then the Permittee may, in lieu of duplicative sampling, submit the data, a report interpreting the data, photographs of the site, and related QA/QC documentation in the corresponding annual report.

- b. The Permittee must provide a copy of their Standard Operation Procedures (SOPs) for the Bioassessment Monitoring Program to the Los Angeles Water Board upon request. The document must contain step-by-step field, laboratory, data entry, and related QA/QC procedures. The SOP must also include specific information about each bioassessment program including assessment program description, its organization and the responsibilities of all its personnel; assessment project description and objectives; qualifications of all personnel; and the type of training each member has received.
- c. Field sampling must conform to the SOPs established in the Surface Water Ambient Monitoring Program's (SWAMP's) *Standard Operating Procedures for the Collection of Field Data for Bioassessment of California Wadeable Streams: Benthic Macroinvertebrates, Algae and Physical Habitat*. Field crews shall be trained on aspects of the protocol and appropriate safety issues. All field data and sample Chain of Custody (COC) forms must be examined for completion and gross errors. Field inspections shall be planned with random visits and shall be performed by

the Permittee or an independent auditor. These visits shall report on all aspects of the field procedure with corrective action occurring immediately.

- d. A taxonomic identification laboratory shall process the biological samples that usually consist of subsampling organisms, enumerating and identifying taxonomic groups and entering the information into an electronic format. The Los Angeles Water Board may require QA/QC documents from the taxonomic laboratories and examine their records regularly. Intra-laboratory QA/QC for subsampling, taxonomic validation and corrective actions shall be conducted and documented. Biological laboratories shall also maintain reference collections, vouchered specimens (the Permittee may request the return of their sample voucher collections) and remnant collections. The laboratory should participate in an (external) laboratory taxonomic validation program at a recommended level of 10% or 20%. External QA/QC may be arranged through the California Department of Fish and Wildlife's Aquatic Bioassessment Laboratory located in Rancho Cordova, California.

10.1.4. The Executive Officer of the Los Angeles Water Board may modify Monitoring and Reporting Program to accommodate the watershed-wide monitoring.

## **10.2. Tertiary Filter Treatment Bypasses**

10.2.1. During any day that filters are bypassed, the Permittee shall monitor the effluent daily for BOD, suspended solids, settleable solids, and oil and grease, until it is demonstrated that the filter "bypass" has not caused an adverse impact on the receiving water.

10.2.2. The Permittee shall maintain chronological log of tertiary filter treatment process bypasses, to include the following:

- Date and time of bypass start and end;
- Total duration time; and,
- Estimated total volume bypassed

10.2.3. The Permittee shall submit a written report to the Los Angeles Water Board, according to the corresponding monthly self-monitoring report schedule. The report shall include, at a minimum, the information from the chronological log. Results from the daily effluent monitoring, required by 10.2.1. above, shall be verbally reported to the Los Angeles Water Board as the results become available and submitted as part of the monthly SMR.

## **10.3. Monitoring of Volumetric Data for Wastewater and Recycled Water**

The State Water Board adopted "Water Quality Control Policy for Recycled Water" (Recycled Water Policy) on December 11, 2018 and the Recycled Water Policy became effective on April 8, 2019. The Recycled Water Policy requires wastewater and recycled water dischargers to annually report monthly volumes

of influent, wastewater produced, and effluent, including treatment level and discharge type. As applicable, dischargers are additionally required to annually report recycled water use by volume and category of reuse. The State Water Board issued a Water Code Section 13267 and 13383 Order, Order WQ 2019-0037 EXEC, on July 24, 2019 to amend MRPs for all permits of NPDES, WDRs, WRRs, Master Recycling, and General WDRs. Annual reports are due by April 30 of each year, and the report must be submitted to GeoTracker. This Order implements the Recycled Water Policy by incorporating the volumetric monitoring reporting requirements in accordance with Section 3 of the [Recycled Water Policy](#)

([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/121118\\_7\\_final\\_amendment\\_oal.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf)). The State Water Board's Order WQ 2019-0037 EXEC will no longer be applicable to the Discharger upon the effective date of this Order.

**10.3.1 Influent:** The Discharger shall monitor monthly total volume of wastewater collected and treated by the wastewater treatment plant.

**10.3.2 Production:** The Discharger shall monitor monthly volume of wastewater treated, specifying level of treatment.

**10.3.3. Discharge:** The Discharger shall monitor monthly volume of treated wastewater discharged to specific water bodies as categorized in the Section 3.2.3 of the Recycled Water Policy. The level of treatment shall also be specified.

**10.3.4. Reuse:** The Discharger shall monitor monthly volume of recycled water distributed, and annual volume of treated wastewater distributed for beneficial use in compliance with California Code of Regulations, title 22 in each of the use categories specified in Section 3.2.4 of the Recycled Water Policy.

## 11. REPORTING REQUIREMENTS

### 11.1. General Monitoring and Reporting Requirements

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

11.1.2. If there is no discharge during any reporting period, the report shall so state.

11.1.3. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with discharge requirements, as well as all excursions of effluent limitations.

11.1.4. The Permittee shall inform the Los Angeles Water Board well in advance of any proposed construction activity that could potentially affect compliance with applicable requirements.

## 11.2. Self-Monitoring Reports (SMRs)

11.2.1. 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) <[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs](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.

If for any reason hard copy SMRs will be required at the discretion of the Los Angeles Water Board, the above requirement should be modified as appropriate. Additionally, the requirements may clarify what satisfies as submittal of hard copy SMRs. For example, "For this purpose, a hard copy signed penalty of perjury statement accompanying a CD with files in Portable Document Format (PDF) shall qualify as hard copy SMRs. Hard copy SMRs must be submitted to the <Los Angeles Water Board Name>, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below."

Optionally, the Los Angeles Water Board may consider if circumstances justify requirements for staffing and training for electronic SMR submittal. Example requirement language follows: "The Discharger shall maintain sufficient staffing and resources to ensure it submits SMRs that are complete and timely. This includes provision of training and supervision of individuals on how to prepare and submit SMRs."

11.2.2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections 3 through 10. The Discharger shall submit quarterly, semiannual, and annual SMRs including the results of all required monitoring using USEPA-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.

11.2.3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

**Table E-7. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On	Monitoring Period	SMR Due Date
Continuous	Permit effective date	All	Submit with quarterly SMR
Hourly	Permit effective date	Hourly	Submit with quarterly SMR



Sampling Frequency	Monitoring Period Begins On	Monitoring Period	SMR Due Date
Daily	Permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	Submit with quarterly SMR
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	Submit with quarterly SMR
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1 <sup>st</sup> day of calendar month through last day of calendar month	June 15 September 15 December 15 March 15
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	September 15 March 15
Semiannually	Closest of January 1 or July 1 following (or on) permit effective date	January 1 through June 30 July 1 through December 31	September 15 March 15
Annually	January 1 following (or on) permit effective date	January 1 through December 31	April 15
<b>1/Year (annually for volumetric reporting)</b>	Order effective date	January 1 through December 31	April 30

11.2.4. **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:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. 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.
- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
- d. 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.

11.2.5. **Compliance Determination.** Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A. For purposes of reporting and administrative enforcement by the Los Angeles 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).

The SIP at section 2.4.5 extends the multiple sample data procedure (similar to the California Ocean Plan) to AMELs when there are NDs and DNQs in the data set. The Los Angeles Water Board may justify extending the procedure to AWELs or MDELs given consideration to MRP requirements of the individual permit.

11.2.6. **Multiple Sample Data.** When determining compliance with an Average Monthly Effluent Limitation (AMEL), Average Weekly Effluent Limitation (AWEL), or Maximum Daily Effluent Limitation (MDEL) 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:

- a. 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.

- b. 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.

11.2.7. The Discharger shall submit SMRs in accordance with the following requirements:

- a. 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.
- b. 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.

### **11.3. 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](http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring) at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/discharge\\_monitoring](http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring).

### **11.4. Other Reports**

11.4.1. The Discharger shall report the results of any special studies, chronic toxicity testing, TRE/TIE, PMP, and Pollution Prevention Plan required by Special Provisions – 6.3. The Discharger shall submit reports in compliance with SMR reporting requirements described in subsection 10.2. above.

#### **11.4.2. Annual Summary Report**

By April 15 of each year, the Permittee shall submit an annual report containing a discussion of the previous year's influent/effluent analytical results and receiving water monitoring data. The annual report shall contain an overview of any plans for upgrades to the treatment plant's collection system, the treatment processes, or the outfall system. The Permittee shall

submit annual report to the Los Angeles Water Board in accordance with the requirements described in subsection 11.2.7 above.

11.4.3 Each annual monitoring report shall contain a separate section titled "Reasonable Potential Analysis" which discusses whether or not reasonable potential was triggered for pollutants which do not have a final effluent limitation in the NPDES permit. This section shall contain the following statement: "The analytical results for this sampling period did/ did not trigger reasonable potential." If reasonable potential was triggered, then the following information should also be provided:

- a. A list of the pollutant(s) that triggered reasonable potential;
- b. The Basin Plan or CTR criteria that was exceeded for each given pollutant;
- c. The concentration of the pollutant(s);
- d. The test method used to analyze the sample; and,
- e. The date and time of sample collection.

11.4.4. The Permittee shall submit to the Los Angeles Water Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.

11.4.5. The Los Angeles Water Board requires the Permittee to file with the Los Angeles Water Board, within 90 days after the effective date of this Order, a technical report on preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:

- Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks, and pipes should be considered.
- Evaluate the effectiveness of present facilities and procedures and state when they become operational.
- Describe facilities and procedures needed for effective preventive and contingency plans.
- Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule contingent interim and final dates when they will be constructed, implemented, or operational.

11.4.6. Climate Change Effects Vulnerability Assessment and Mitigation Plan

The Discharger shall consider the impacts of climate change as they affect the operation of the treatment facility due to flooding, wildfire, or other climate-

related changes. The Permittee shall develop a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) to assess and manage climate change-related effects that may impact the wastewater treatment facility's operation, water supplies, its collection system, and water quality, including any projected changes to the influent water temperature and pollutant concentrations, and beneficial uses (refer to 3.5.1 of the Order for specific requirements). For facilities that discharge to the ocean including desalination plants, the Climate Change Plan shall also include the impacts from sea level rise. The Climate Change Plan is due 12 months after the effective date of this Order.

#### 11.4.7. Annual Volumetric Reporting of Wastewater and Recycled Water

The Discharger shall electronically submit annual volumetric reports to the State Water Board by April 30 each year covering data collected during the previous calendar year using the [State Water Board's GeoTracker website](http://geotracker.waterboards.ca.gov) (geotracker.waterboards.ca.gov) under a site-specific global identification number. The annual volumetric report shall include information specified in section 10.3, above. A report upload confirmation from the GeoTracker shall be included in the annual report, which shall be submitted into CIWQS, by the annual volumetric report due date to demonstrate compliance with this reporting requirement.

**ATTACHMENT F – FACT SHEET**

1. PERMIT INFORMATION .....	F-3
2. FACILITY DESCRIPTION.....	F-5
2.1. Description of Wastewater and Biosolids Treatment and Controls .....	F-5
2.2. Discharge Points and Receiving Waters .....	F-8
2.3. Summary of Existing Requirements and SMR Data .....	F-8
2.4. Compliance Summary .....	F-11
2.5. Planned Changes .....	F-13
3. APPLICABLE PLANS, POLICIES, AND REGULATIONS .....	F-13
3.1. Legal Authorities .....	F-14
3.2. California Environmental Quality Act (CEQA) .....	F-14
3.3. State and Federal Laws, Regulations, Policies, and Plans .....	F-14
3.4. Impaired Water Bodies on the CWA section 303(d) List .....	F-21
3.5. Other Plans, Polices and Regulations .....	F-21
4. RATIONALE FOR EFFLUENT LIMITATIONS & DISCHARGE SPECIFICATIONS	
F-25	
4.1. Discharge Prohibitions .....	F-26
4.2. Technology-based Effluent Limitations .....	F-26
4.3. Water Quality-Based Effluent Limitations (WQBELs) .....	F-28
4.4. Final Effluent Limitation Considerations .....	F-53
4.5. Interim Effluent Limitations .....	F-57
4.6. Land Discharge Specifications – Not Applicable .....	F-58
4.7. Recycling Specifications .....	F-58
5. RATIONALE FOR RECEIVING WATER LIMITATIONS .....	F-58
5.1. Surface Water .....	F-58
5.2. Groundwater .....	F-58
6. RATIONALE FOR PROVISIONS .....	F-59
6.1. Standard Provisions .....	F-59
6.2. Special Provisions .....	F-59
7. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS.....	F-63
7.1. Influent Monitoring .....	F-63
7.2. Effluent Monitoring .....	F-63
7.3. Whole Effluent Toxicity Testing Requirements .....	F-66
7.4. Receiving Water Monitoring .....	F-67
7.5. Other Monitoring Requirements .....	F-67
8. CONSIDERATION OF NEED TO PREVENT NUISANCE AND WATER CODE	
SECTION 13241 FACTORS .....	F-68
9. PUBLIC PARTICIPATION .....	F-69
9.1. Notification of Interested Parties .....	F-69
9.2. Written Comments .....	F-70
9.3. Public Hearing .....	F-70
9.4. Reconsideration of Waste Discharge Requirements .....	F-71
9.5. Information and Copying .....	F-71
9.6. Register of Interested Persons .....	F-71

9.7. Additional Information ..... F-71

**TABLES**

Table F-1. Facility Information..... F-3  
Table F-2. Historic Effluent Limitations & Data for Order R4-2014-0212-A01..... F-9  
Table F-3. Effluent Compliance Summary..... F-11  
Table F-4. Basin Plan Beneficial Uses – Surface Waters ..... F-14  
Table F-5. Basin Plan Beneficial Uses - Groundwaters ..... F-15  
Table F-6. Summary of TBELs..... F-27  
Table F-7. Summary of Reasonable Potential Analysis..... F-41  
Table F-8. Summary of WQBELs for Discharge Point 001 ..... F-47  
Table F-9. Summary of Final Effluent Limitations for Discharge Point 001 ..... F-55  
Table F-10. Compliance Schedule & Milestone Dates ..... F-62  
Table F-11. Monitoring Frequency Comparison ..... F-64

**ATTACHMENT F – FACT SHEET**

As described in section 2.2 of this Order, the Los Angeles Water Board incorporates this Fact Sheet as findings of the Los Angeles Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

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

**1. PERMIT INFORMATION**

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

WDID	4B190107019
Discharger	Joint Outfall System
Name of Facility	Pomona Water Reclamation Plant and its associated wastewater collection system and outfall
Facility Address	295 Humane Way Pomona, CA 91766 Los Angeles County
Facility Contact, Title and Phone	Lysa Gaboudian, Supervising Engineer, (562) 908-4288 x2811
Authorized Person to Sign and Submit Reports	Lysa Gaboudian, Supervising Engineer, (562) 908-4288 x2811
Mailing Address	1955 Workman Mill Road, Whittier, CA
Billing Address	Same as above
Type of Facility	POTW
Major or Minor Facility	Major
Threat to Water Quality	1
Complexity	A
Pretreatment Program	Yes
Recycling Requirements	Producer/User
Facility Permitted Flow	15.0 million gallons per day
Facility Design Flow	15.0 million gallons per day
Watershed	San Gabriel River Watershed
Receiving Water	South Fork San Jose Creek
Receiving Water Type	Inland surface water



1.1 The Joint Outfall System (hereinafter JOS, Discharger, or Permittee) owns and operates a Publicly Owned Treatment Works (POTW) comprised of the Pomona Water Reclamation Plant (hereinafter Pomona WRP or Facility) and its associated wastewater collection system and outfalls. Ownership and operation of the JOS is proportionally shared among the signatory parties to the amended Joint Outfall Agreement effective July 1, 1995. These parties include County Sanitation Districts of Los Angeles County Nos. 1, 2, 3, 5, 8, 15, 16, 17, 18, 19, 21, 22, 23, 28, 29, and 34, and South Bay Cities Sanitation District of Los Angeles County.

For the purposes of this Order, references to the “Discharger” or “Permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

1.2. The Facility discharges wastewater to South Fork San Jose Creek, a water of the United States. The Permittee was previously regulated by Order No. R4-2014-0212, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0053619, adopted by the Los Angeles Water Board on November 06, 2014. This Order was amended on July 09, 2015 by Order No. R4-2014-0212-A01 and expired on December 31, 2019.

Regulations at 40 CFR section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. However, pursuant to 40 CFR 122.6(d) and California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES requirements for continuation of expired permits. The Permittee filed a report of waste discharge (ROWD) and applied for reissuance of its Waste Discharge Requirements (WDRs) and NPDES permit on June 25, 2019. Supplemental information was requested on September 25, 2019 and received on October 23, 2019. The application was deemed complete on December 3, 2019. A site visit was conducted prior to permit reissuance, to observe operations and collect additional data to develop permit limitations and conditions. The terms and conditions of the current NPDES order have been automatically continued and remain in effect until new WDRs and NPDES permit are adopted pursuant to this Order. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

1.3. Applicable, state law requires dischargers to file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights (DWR) and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. On October 2020, the State Water Board Division of Water Rights approved wastewater change petition Number WW0104, which, under certain conditions, allows the Discharger to recycle 100% of the treated effluent from the Pomona WRP for industrial, irrigation, dust control, and municipal purposes. The State Water Board retains separate jurisdictional authority to enforce any

applicable requirements under Water Code section 1211. This is not an NPDES permit requirement.

## 2. FACILITY DESCRIPTION

### 2.1. Description of Wastewater and Biosolids Treatment and Controls

2.1.1. The Pomona WRP, a tertiary wastewater treatment plant, located at 295 Humane Way, Pomona, CA, currently receives wastewater from the cities of Claremont, La Verne, Pomona, and portions of unincorporated Los Angeles County. The wastewater is a mixture of domestic and industrial wastewater that is pre-treated pursuant to 40 C.F.R. Part 403. The Pomona WRP has a design capacity of 15.0 million gallons per day (MGD) and serves an estimated population of 140,164.

The Pomona WRP is part of an integrated network of facilities, known as the JOS. The JOS incorporates the Pomona WRP and six other wastewater treatment plants, which are connected by more than 1,200 miles of interceptors and trunk sewers. The upstream treatment plants (Whittier Narrows, Pomona, La Cañada, Long Beach, Los Coyotes, and San Jose Creek) are connected to the Joint Water Pollution Control Plant (JWPCP) located in Carson. This system allows for the diversion of influent flows into or around each upstream plant if so desired.

The Discharger has undertaken a full evaluation of local limits for the JOS, which is an interconnected system consisting of the Long Beach, Los Coyotes, Pomona, San Jose Creek and Whittier Narrows WRPs, as well as JWPCP and La Cañada WRP (non-industrial). Due to the interconnectedness of this system, it is appropriate to formally evaluate local limits for all treatment plants on the system at one time so that conditions throughout the system can be considered. In the past, the Discharger has reviewed the discharge limitations in the NPDES permits issued to these facilities and has found that changes to existing local limits are not necessary to meet the limitations. The most recent local limits evaluation was submitted to the Los Angeles Water Board in April 2018, following the NPDES permit adoption of the Joint Water Pollution Control Plant. In that evaluation, JOS found that the existing limits were fully protective of the JOS system and concluded that changes to existing local limits did not appear to be necessary to meet the limitations.

2.1.2. The following are brief descriptions of the major unit processes, operations, and/or equipment:

- a. **Influent Flow:** Influent sewage is delivered to the plant using two gravity-fed sewer lines, a 30-inch line and a 33-inch interceptor trunk line along Pomona Blvd.
- b. **Primary Sedimentation:** Influent sewage enters primary sedimentation tanks via Channel No.1. The primary sedimentation system consists of three covered primary sedimentation tanks, influent and effluent channels,

six inlet gates, three skimming gates, sludge collection and draw-off equipment, and scum removal equipment. The purpose of primary sedimentation is to remove coarse, gritty material, most of the floating material, and a major portion of the suspended solids from the raw sewage. Coarse, gritty, and floatable material are removed because they will interfere with the operation of the treatment plant equipment and processes. Suspended solids are removed in order to reduce the organic load on the aeration system and thus decrease the air requirement for secondary treatment. The rectangular sedimentation tanks are each 100 feet long by 20 feet wide, with an average water depth of 10 feet. The volume of the tanks, 149,600 gallons each, provide for the detention time of 0.718 hours at design average flow (15.0 MGD). The tanks are equipped with removable aluminum covers. Air is drawn from beneath the covers by suction from the process air compressors (PACs) to provide positive odor control. Air drawn off the primary sedimentation tanks is then discharged into the aeration tanks. Primary effluent travels over weirs and is collected in Channel No. 2 and then conveyed to the aeration system. Settled solids and floatable materials collected by the sludge collection and scum removal equipment are returned to the JOS sewer for disposal at the Joint Water Pollution Control Plant (JWPCP) plant.

- c. **Aeration System:** Primary effluent from Channel No. 2 enters the aeration tanks through seven 21-inch circular openings with diffuser plates. The purpose of the aeration system is to convert non-settleable organic matter, present in the form of colloidal particles and soluble substances, into a biological floc (activated sludge). The floc can then be settled out, thus removing most of the biochemical oxygen demand (BOD) and suspended solids (SS) from the wastewater. This is accomplished by contacting settled sewage (primary effluent) with a concentrated population of microorganisms, under aerobic conditions. Nitrogen is removed by a two-step process called Nitrification/ Denitrification (NDN). The nitrification step involves reducing the oxygen demand of ammonia by converting it to nitrate. The denitrification step then converts nitrate to nitrogen gas under anoxic conditions for removal. The Activated Sludge Process (Secondary Treatment), which comprises the Aeration System, Secondary Clarification System, Return Activated Sludge (RAS) System, and Waste Activated Sludge (WAS) System Wastewater leaves the carousels and enters a pair of clarifiers where sludge settling, and clarification of the wastewater is achieved. The Pomona WRP was retrofitted with the Modified Ludzack-Ettinger (MLE) NDN process, which is a biological nitrogen removal process consisting of an anoxic zone followed by an aerobic zone. Primary effluent, return activated sludge and recirculated mixed liquor enter the anoxic zone at the front of the aeration tanks. Denitrification takes place readily in this zone due to the absence of dissolved oxygen (DO). Chemical oxygen demand (COD) is absorbed in this zone and partially metabolized utilizing the oxygen made available

from the reduction of nitrite. After passing through the anoxic zone, the mixed liquor enters the aerobic zone to achieve additional COD removal and complete nitrification.

- d. Secondary Clarification:** The Secondary Clarification System includes six open clarification tanks, sludge collection equipment, skimmers, sludge draw-off valves and control equipment. The purpose of the secondary clarification system is to separate the suspended solids (SS) from the aeration tank as well as to remove any floatables.
- e. Tertiary Filtration:** Effluent from the secondary clarifiers is discharged into Channel No. 4 and then enters Channel No. 5 for distribution to the filters. Mixers are used to condition the secondary effluent with aluminum sulfate (alum) and sodium hypochlorite prior to filtration. The filtration process removes fine suspended solids remaining in the secondary effluent and thus further reduce the turbidity and biological oxygen demand (BOD) levels in the plant discharge. The filtration system consists of eight deep bed, mono-media, rectangular filters which are 32 feet long, 16 feet wide, and 22 feet deep; a backwash system; an air wash system; a filter effluent pump station; and a backwash recovery pump station. Currently, cationic polymer is not added to precondition the secondary effluent. Sodium hypochlorite is added to the filter influent (pre-chlorination) to minimize adenovirus and to prevent excessive microbial growth within the filter bed and in the filter effluent (post-chlorination).
- f. Chlorination:** The Pomona WRP previously used ammonia and sodium hypochlorite injection upstream and sodium hypochlorite injection downstream of the effluent filters to achieve disinfection. However, the conversion of the activated sludge process to nitrification/denitrification resulted in the elimination of ammonia from the secondary effluent. A modified chloramination is currently practiced, which involves the application of sodium hypochlorite in two steps to achieve disinfection. In the first step, an appropriate amount of free chlorine is injected to a fully nitrified secondary effluent to provide free chlorine residual to inactivate pathogens and to minimize N-Nitrosodimethylamine (NDMA) formation. In the second step, ammonia and additional chlorine are added to the filter effluent to form chloramines. Chloramines minimize trihalomethane (THM) formation and provide additional bacterial and viral disinfection. Aqueous ammonia is pumped from the storage tanks on the north side of Channel No. 6.
- g. Dechlorination:** The purpose of the Sodium Bisulfite ( $\text{NaHSO}_3$ ) feed system is to remove chlorine residuals from the plant effluent prior to discharge to South Fork San Jose Creek. Effluent not diverted for reuse in the irrigation structure is dechlorinated with sodium bisulfite prior to discharge to the South Fork San Jose Creek.
- h. Solids handling:** No facilities are provided for solids processing at the plant. Sewage solids separated from the wastewater are returned to the

trunk sewer for conveyance to JWPCP for treatment and disposal occurs, under Order No. R4-2017-0180 (NPDES No. CA0053813). Attachment C is a schematic of the Pomona WRP wastewater flow.

## 2.2. Discharge Points and Receiving Waters

The Pomona WRP discharges tertiary-treated municipal and industrial wastewater to the South Fork San Jose Creek, tributary to the San Gabriel River, waters of the United States, above the Estuary. Treated effluent is discharged from the plant to surface waters at the following discharge point:

**Discharge Point 001:** Discharge to South Fork San Jose Creek via a point located at the approximate coordinates: Latitude 34.0552°, Longitude 117.7955°. The treated effluent generally flows down the river to the San Gabriel River Spreading Grounds.

During dry weather (May 1 – October 31), the primary sources of water flow in San Gabriel River, downstream of the discharge point, is the Pomona WRP effluent and other NPDES-permitted discharges, including urban runoff conveyed through the municipal separate storm sewer systems (MS4). Stormwater and dry weather urban runoff from the MS4 are regulated under an NPDES permit, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (LA Municipal Permit), NPDES Permit No. CAS004001.

The Los Angeles County Flood Control District channelized portions of the San Gabriel River to convey and control floodwater, and to prevent damage to homes located adjacent to the river. Although this is not the main purpose, the San Gabriel River conveys treated wastewater along with floodwater and urban runoff. The San Gabriel River is unlined near the points of discharge. Groundwater recharge occurs both incidentally, and through separate water reclamation requirements (WRR) for groundwater recharge, in these unlined areas of the San Gabriel River where the underlying sediments are highly transmissive to water and pollutants. The Water Replenishment District recharges groundwater through the Rio Hondo and San Gabriel Spreading Grounds, located in the Montebello Forebay, with water purchased from JOS's Whittier Narrows, Pomona, and San Jose Creek WRPs, under WRR Order No. 91-100, adopted by the Board on September 9, 1991. The Montebello Forebay order was amended on April 10, 2014, by Order No. R4-2009-0048-A01.

Notwithstanding that segments located further downstream of the discharge are concrete-lined, the watershed supports a diversity of wildlife, particularly an abundance of avian species such as the Least Bell's Vireo, Tricolored Blackbird, and California Gnatcatcher. Aquatic life, such as fish, invertebrates, and algae exist in the San Gabriel River system.

## 2.3. Summary of Existing Requirements and SMR Data

Effluent limitations and discharge specifications contained in the existing Order for discharges from Discharge Point 001 (Monitoring Location EFF-001) and

representative monitoring data from the term of the previous Order between February 2015 and June 2019 are as follows, where detected but not quantified values are noted by the abbreviation DNQ:

**Table F-2. Historic Effluent Limitations & Data for Order No. R4-2014-0212-A01**

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Daily Discharge
BOD <sub>5</sub> 20°C	mg/L	20	30	45	<0.6	12.6
Total Suspended Solids (TSS)	mg/L	15	40	45	<2.5	5.6
Oil and Grease	mg/L	10	---	15	<1.2	<1.2
Settleable Solids	mL/L	0.1	---	0.3	<0.1	<0.1
Temperature	°F	---	---	86	---	88.8
Total Residual Chlorine	mg/L	---	---	0.1	<0.03	1
Total Dissolved Solids	mg/L	750	---	---	589	670
Chloride	mg/L	180	---	---	142	174
Sulfate	mg/L	300	---	---	74.5	97.7
Boron	mg/L	1.0	---	---	<0.028	0.33
Fluoride	mg/L	---	---	---	0.288	0.352
Organic-N	mg/L	---	---	---	1.49	4.44
Nitrate-N + Nitrite-N	mg/L	8	---	---	6.83	8.78
Nitrite-N	mg/L	1	---	0.9	<0.0012	<0.0012
Ammonia-N (ELS Present)	mg/L	3.2	---	6.6	0.176	1.39
Ammonia-N (ELS Absent)	mg/L	4.1	---	8.4	0.176	1.39
Total kjeldahl nitrogen (TKN)	mg/L	---	---	---	3.75	8.3
Total phosphorus	mg/L	---	---	---	0.409	1.52
Turbidity	NTU	---	---	---	0.62	2
Total hardness	mg/L	---	---	---	396	210
MBAS	mg/L	0.5	---	---	<0.02	0.1
Antimony	µg/L	---	---	---	0.46 DNQ	0.57

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Daily Discharge
Arsenic	µg/L	---	---	---	1	1.39
Cadmium	µg/L	---	---	---	0.08 DNQ	0.06 DNQ
Chromium III	µg/L	---	---	---	0.98	1.39
Chromium VI	mg/L	---	---	---	0.06	0.28
Copper	µg/L	---	---	---	4.73	5.84
Lead	µg/L	---	---	166	0.53	0.34
Mercury	µg/L	---	---	---	0.0055	0.0021
Nickel	µg/L	---	---	---	3.01	1.79
Selenium	µg/L	4.7	---	6.2	0.92 DNQ	0.35 DNQ
Silver	µg/L	---	---	---	<0.01	57.5 (note a)
Zinc	µg/L	---	---	---	106	73.1
Cyanide	µg/L	---	---	---	2.4 DNQ	3.7
Bromoform	µg/L	---	---	---	0.13 DNQ	16.7
Carbon Tetrachloride	µg/L	---	---	---	<0.11	0.22 DNQ
Chlorodibromomethane	µg/L	---	---	---	1.6	27.6
Chloroform	µg/L	---	---	---	24.3	97.2
Bromodichloromethane	µg/L	---	---	---	9.4	22
Methyl Chloride	µg/L	---	---	---	<0.06	0.25 DNQ
Methylene Chloride	µg/L	---	---	---	<0.09	0.25 DNQ
Tetrachloroethylene	µg/L	---	---	---	<0.16	1.2
Toluene	µg/L	---	---	---	<0.06	0.38 DNQ
Phenol	µg/L	---	---	---	0.24 DNQ	0.35 DNQ
2,4,6-trichlorophenol	µg/L	---	---	---	<0.1	0.22 DNQ
Bis(2-ethylhexyl) Phthalate	µg/L	4	---	---	<0.16	0.45 DNQ
Butylbenzyl Phthalate	µg/L	---	---	---	<0.1	0.27 DNQ
Diethyl Phthalate	µg/L	---	---	---	<0.21	0.98 DNQ

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Daily Discharge
N-Nitrosodimethylamine	µg/L	---	---	---	0.196	0.69
Gamma-BHC (Lindane)	µg/L	---	---	---	<0.001	0.009 DNQ
Dieldrin	µg/L	---	---	---	<0.001	0.009 DNQ
Iron	µg/L	---	---	---	36	62
Total trihalomethanes (TTHMs)	µg/L	---	---	---	36	123
Gross alpha radioactivity	pCi/L	---	---	---	1.45	3.41
Gross beta radioactivity	pCi/L	---	---	---	1.63	2.61
Strontium 90	pCi/L	---	---	---	<0.253	0.716

**Footnotes for Table F-2**

- a. The silver effluent concentration of 57.5 µg/L was the result of an experimental/research analysis on a sample that was expired and not appropriately preserved. Among compliance samples, the maximum observed silver effluent concentration between January 2015 and December 2020 was a 0.04 DNQ ug/L.

**End of Footnotes for Table F-2**

**2.4. Compliance Summary**

The following table lists the Facility's exceedances of effluent limitations in Order R4-2014-0212-A01 that occurred during the period between February 2015 and November 2020.

**Table F-3. Effluent Compliance Summary**

Date of Exceedance	Pollutant	Effluent Limitation	Reported value
08/06/2019	Chloride	180 mg/L	186 mg/L
07/03/2019	Chronic Toxicity, MDEL	Pass, < 50% effect	Fail, 100% effect
4/9/2019	Ammonia as nitrogen	6.6 mg/L	6.9 mg/L



Date of Exceedance	Pollutant	Effluent Limitation	Reported value
04/03/2018	Chronic Toxicity, MDEL	Pass, < 50% effect	Fail, 100% effect
07/06/2016	Chronic Toxicity, MDEL	Pass, < 50% effect	Fail, 73.2%

Monitoring data indicate that the Permittee has consistently complied with the final effluent limitations and interim effluent limitations of Order No. R4-2014-0212-A01, except for the exceedances presented in Table F-3 above. The cause of the chloride exceedance was unknown, but the Discharger investigated possible causes. The Pomona WRP exceeded the effluent chronic toxicity Maximum Daily Effluent Limitation (MDEL) in July 2019, with a reproduction effect greater than fifty percent. This exceedance is considered a violation of the MDEL because the percent effect was greater than fifty. JOS staff investigated the issue and reported that evidence indicated that the observed toxicity was caused by a high concentration of silver in the wastewater. Although the Failed toxicity test in April 2018 only had a percent effect for the reproduction endpoint less than fifty, the survival percent effect was one hundred.

The Discharger collected additional samples during those months and was able to comply with the monthly median chronic toxicity limitation. Since the monthly median was met, neither accelerated testing nor a toxicity reduction evaluation (TRE) were required. The effluent chronic toxicity MDEL was also exceeded in July 2016, with a reproduction effect greater than fifty percent. Additional testing indicated that the toxicity was episodic and limited to a single 24-hour composite sample, with two subsequent tests during the month exhibiting no toxicity. The ammonia as nitrogen limitation exceedance was caused by overdosing of chloramines in the disinfection process during a time when the plant was undergoing repairs and the effluent flow was low. In addition to the above, there were three total residual chlorine (TRC) exceedances reported by the continuous-read chlorine meter, but these are not considered violations because compliance with the TRC effluent limitation is determined using the results of grab samples. The listed TRC exceedances were associated with problems with the equipment that controls the amount of sodium bisulfide added in the treatment train. However, the settings on the controller were adjusted and optimized to prevent the issue from recurring. The TRC exceedance from November 2018 is not considered a violation because the duration was less than three minutes, and follow-up grab samples indicated that TRC was non-detect. The TRC exceedance from October 2018 is not considered a violation because follow up grab samples indicated that the median was non-detect. The TRC exceedance from February 2020 was caused by a blockage in the feed line for the sodium bisulfite dechlorinating agent. A follow-up grab sample was non-detect and the residual chlorine did not persist in the receiving water, so it is not considered a violation of the receiving water limitation. The total trihalomethane

(TTHM) limitation was exceeded in October 2018 with a reported value of 123 µg/L because there was an elevated concentration of chloroform in the effluent on that day. However, the exceedance is not considered a violation because the Discharger was able to collect additional samples during the month to comply with the Average Monthly effluent Limitation (AMEL). Since the limit for TTHMs is calculated as the sum of chloroform concentration, and three other constituents, the elevated chloroform concentration contributed to the exceedance. However, since there is no water quality criteria in the CTR for chloroform, there is no way to limit that parameter by itself. The Discharger will closely track the concentrations of ammonia added back to the treatment train in the disinfection step to try and minimize the formation of the TTHMs, which are a disinfection byproduct.

### **2.5. Planned Changes**

The Discharger plans on recycling 100% of the treated effluent from the Pomona WRP for industrial, irrigation, dust control, and municipal purposes, so it filed a wastewater change petition, Number WW0104, to the State Water Board Division of Water Rights to change its discharge from the Pomona WRP from 3.3 million gallons per day (mgd) to zero mgd. On October 15, 2019, the State Water Board's Division of Water Rights posted a public notice for Wastewater Change Petition WW0104. The petition was protested by Los Angeles Waterkeeper and Heal the Bay, collectively, and California Department of Fish and Wildlife (CDFW). In response to the protest, the Los Angeles County Sanitation Districts (LACSD) submitted a letter to the Division of Water Rights addressing the concerns. LACSD has been working with CDFW and the US Fish and Wildlife Service over the last several years and with Heal the Bay and LA Waterkeeper over the last year, to address concerns regarding the potential impacts to biological resources associated with the proposed wastewater change petition. On November 8, 2019, LACSD released a Final Environmental Impact Report (FEIR) (State Clearing House Number (SCH No.) 2018071021) for the San Gabriel River Watershed Project to reduce discharge in support of increased recycled water reuse. On November 18, 2019, the Los Angeles County Sanitation District's Board approved the FEIR. The FEIR included mitigation measures to ensure no net loss of the least bell's vireo habitat. In a letter dated September 9, 2020, Los Angeles Waterkeeper and Heal the Bay requested that the State Water Board's Division of Water Rights dismiss their protests because LACSD had adequately addressed their concerns underlying the protests and all outstanding issues were substantively resolved. On October 5, 2020, the Division of Water Rights approved the wastewater change petition with a requirement that LACSD comply with the mitigation terms to the Biological Resources specified in the Final EIR (SCH No. 2018071021).

### **3. APPLICABLE PLANS, POLICIES, AND REGULATIONS**

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

### 3.1. 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 USEPA and chapter 5.5, division 7 of the 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 location described in Table 1 subject to the WDRs in this Order.

### 3.2. California Environmental Quality Act (CEQA)

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

### 3.3. State and Federal Laws, Regulations, Policies, and Plans

3.3.1. **Water Quality Control Plan.** The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan.

Beneficial uses applicable to the South Fork San Jose Creek are as follows:

**Table F-4. Basin Plan Beneficial Uses – Surface Waters**

<b>Hydrologic Unit Code (HUC)</b>	<b>Receiving Water Name</b>	<b>Beneficial Use(s)</b>
180701060501 (formerly Calwater Hydro Unit 405.51)	San Jose Creek Reach 2	<b>Existing:</b> wildlife habitat (WILD); <b>Intermittent:</b> groundwater recharge (GWR); non-contact water recreation (REC-2); and, warm freshwater habitat (WARM); <b>Potential:</b> water contact recreation (REC-1) and municipal and domestic water supply (MUN)
180701060502 (formerly Calwater Hydro Unit 405.41)	San Jose Creek Reach 1	Existing: WILD, <b>Intermittent:</b> GWR; REC-2; and, WARM; <b>Potential:</b> REC-1 and MUN

Hydrologic Unit Code (HUC)	Receiving Water Name	Beneficial Use(s)
180701060601 (formerly Calwater Hydro Unit 405.41)	San Gabriel River Reach 3- San Jose Creek to Ramona Blvd.	Existing: WILD <b>Intermittent:</b> GWR; REC-1; REC-2; and, WARM; Potential: MUN
180701060606 (formerly Calwater Hydro Unit 405.15)	San Gabriel River Reach 2 – Whittier Narrows to Firestone Blvd.	<b>Existing:</b> REC-1; REC-2; WILD; and rare and endangered species (RARE); <b>Intermittent:</b> GWR and, WARM; <b>Potential:</b> industrial service supply (IND), and industrial process supply (PROC), and MUN
180701060606 (formerly Calwater Hydro Unit 405.15)	San Gabriel River Reach 1: Firestone Boulevard to Estuary	<b>Existing:</b> REC-1 and REC-2; <b>Potential:</b> WARM; WILD; and MUN
180701060606 (formerly Calwater Hydro Unit 405.15)	San Gabriel River Estuary	<b>Existing:</b> IND; navigation (NAV); REC-1; REC-2; commercial and sport fishing (COMM); estuarine habitat (EST); marine habitat (MAR); WILD; and RARE; <b>Potential:</b> shell harvesting (SHELL)

The potential municipal and domestic supply (p\*MUN) beneficial use for the water body is consistent with State Water Resources Control Board Resolution 88-63 and Los Angeles Water Board Resolution No. 89-003; however the Los Angeles Water Board only conditionally designated the above waterbodies as MUN in anticipation of further evaluation; therefore, effluent limitations are not included for protection of the MUN use of surface waters at this time.

Beneficial uses of the receiving groundwaters are as follows:

**Table F-5. Basin Plan Beneficial Uses - Groundwaters**

Receiving Water Name	MUN	IND	PROC	AGR	AQUA
San Gabriel Valley (Department of Water Resources (DWR) Basin No. 4-13)	Existing	Existing	Existing	Existing	---

Receiving Water Name	MUN	IND	PROC	AGR	AQUA
Coastal Plain of Los Angeles Central Basin (DWR Basin No. 4-11.04)	Existing	Existing	Existing	Existing	---

- 3.3.2. National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, U.S. EPA 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.
- 3.3.3. 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 U.S. EPA through the NTR and to the priority pollutant objectives established by the Los Angeles Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA 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.
- 3.3.4. Domestic Water Quality.** In compliance with 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 Order promotes that policy by requiring discharges to meet maximum contaminant levels implemented by the Basin Plan that are designed to protect human health and ensure that water is safe for domestic use.
- 3.3.5. 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 (40 CFR section 131.21, 65 Federal Register 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

**3.3.6. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based effluent limitations (TBELs) and water quality-based effluent limitations (WQBELs) for individual pollutants. The TBELs consist of restrictions on BOD, TSS, and percent removal of BOD and TSS. Restrictions on BOD and TSS, are discussed in section 4.2.2 of the Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are carried over from the previous permit.

WQBELs have been scientifically derived to implement water quality objectives (WQOs) that protect beneficial uses. Both the beneficial uses and the WQOs have been approved pursuant to federal law and are the applicable federal water quality standards. All beneficial uses and WQOs contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any WQOs and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA and the applicable water standards for purposes of the CWA. The final effluent limitations for these pollutants are described in additional detail in section 4.3.2 of the Fact Sheet.

**3.3.7. Antidegradation Policy.** Federal regulation 40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California"). Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Los Angeles Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution 68-16.

**3.3.8. Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR 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.

**3.3.9. 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.

3.3.10. **Water Rights.** Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a surface or subterranean stream, the Permittee must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change from the State Water Board. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.

3.3.11. **Water Recycling.** In accordance with statewide policies concerning water reclamation<sup>1</sup> the Los Angeles Water Board strongly encourages, wherever practical, water recycling, water conservation, and use of stormwater and dry-weather urban runoff. The JOS have issued ten permits for the discharge of dry-weather urban runoff to its sewer system and is currently reviewing applications for three new proposed dry-weather diversions. All of these diversions take place in the coastal portion of the JOS's service area, such as the City of Long Beach and the South Bay cities. There are no diversions in the City of Pomona. JOS may approve, under the terms and conditions of the JOS's Dry Weather Urban Runoff Diversion policy, the diversion of dry-weather urban runoff into the sewer system. Dry-weather urban runoff includes flow from human activities, such as car washing, landscape irrigation, street washing, fountains, and tank testing; and from natural sources like groundwater seepage that would otherwise flow to the storm drain system. Dry-weather runoff may also include stormwater that has been stored for discharge after cessation of the storm. Dry-weather urban runoff usually contains various pollutants that are subject to limits under the MS4 permit. The Facility shall investigate the feasibility of recycling, conservation, and/or alternative disposal methods for wastewater. The Discharger shall submit an update to this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal.

The State Water Board adopted "Water Quality Control Policy for Recycled Water" (Recycled Water Policy) on February 3, 2009 and amended it most recently on December 11, 2018. The most recent amendments became effective on April 8, 2019. The Recycled Water Policy requires wastewater and recycled water dischargers to annually report monthly volumes of

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<sup>1</sup> See , e.g., CWC sections 13000 and 13550-13557, State Water Board Resolution No. 77-1 (Policy with Respect to Water Reclamation in California), and State Water Board Resolution No. 2009-0011, 2013-0003, AND 2018-0057 (Recycled Water Policy).

influent, wastewater produced, and effluent, including treatment level and discharge type. As applicable, dischargers are additionally required to annually report recycled water use by volume and category of reuse. The State Water Board issued a Water Code Section 13267 and 13383 Order, Order WQ 2019-0037 EXEC, on July 24, 2019 to amend MRPs for all permits of NPDES, WDRs, WRRs, Master Recycling, and General WDRs. Annual reports are due by April 30 of each year, and the report must be submitted to GeoTracker. This Order implements the Recycled Water Policy by incorporating the volumetric monitoring reporting requirements in accordance with Section 3 of the [Recycled Water Policy](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf) ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/121118\\_7\\_final\\_amendment\\_oal.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf)). The State Water Board's Order WQ 2019-0037 EXEC will no longer be applicable to the Discharger upon the effective date of this Order.

- 3.3.12. **Monitoring and Reporting.** 40 CFR part 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code section 13383 authorize the Los Angeles Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and state requirements. This MRP is provided in Attachment E.
- 3.3.13. **Sewage Sludge and Biosolids.** Section 405 of the CWA and implementing regulations at 40 CFR part 503 require that producers of sewage sludge/biosolids meet certain reporting, handling, and use or disposal requirements. The state has not been delegated the authority by USEPA to implement this program. Therefore, this Order does not prescribe requirements for sewage sludge/biosolids (40 CFR part 503. USEPA is the implementing agency, not the Regional Water Board.
- 3.3.14. **Pretreatment Requirements.** The application of pretreatment requirements is monitored by the Discharger and the permit will be reopened when additional pretreatment requirements are determined to be applicable to the discharge.
- 3.3.15. **Mercury Provisions.** The State Water Board adopted "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" (Mercury Provisions) through Resolution No. 2017-0027, which was approved by the California Office of Administrative Law (OAL) on June 28, 2017 and became effective upon USEPA approval on July 14, 2017. The Mercury Provisions established one narrative and four numeric water quality objectives for mercury and three new beneficial use definitions, implemented through NPDES permits issued pursuant to CWA section 402, waste discharge requirements, or waivers of waste discharge requirements. The Provisions included implementation provisions for individual non-stormwater NPDES permits for municipal and industrial dischargers; stormwater discharges including MS4 discharges and discharges regulated



by the Industrial General Permit (NPDES No. CAS000001); mine site remediation; nonpoint source discharges; dredging activities; and wetland projects. The Mercury Provisions contain provisions that apply to POTWs and individual industrial discharges. The Mercury Provisions converted the fish tissue-based water quality objectives to water column values, denoted as “C”. The implementation section of the Mercury Provisions requires the application of section 1.3 of the SIP with modifications to determine whether a discharge has reasonable potential to cause or contribute to an exceedance of the water column concentration for mercury and the development of effluent limitations for mercury based on the water quality objective applicable to the receiving water in accordance with Chapter IV.D.2.b. (See section IV.C.3. for SIP procedures). However, mercury has no effluent limitations in this Order because the data indicated that reasonable potential to discharge mercury does not exist.

**3.3.16. Bacteria Provisions.** The State Water Board adopted “Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California Bacteria Provisions and Water Quality Standards Variance Policy” through Resolution No. 2018-0038, which was approved by OAL on February 4, 2019 and became effective upon USEPA approval on March 22, 2019. The Bacteria Provisions establish *Escherichia coli* (*E. coli*) as the sole indicator of pathogens in freshwater. These *E. coli* water quality objectives supersede any numeric water quality objectives for bacteria for the protection of the REC-1 beneficial use in Los Angeles Water Board Basin Plans prior to the effective date of the Bacteria Provisions, except in certain circumstances, such as where there are site-specific numeric water quality objectives for bacteria; existing final effluent limitations based on Title 22 requirements that are more stringent than ISWEBE Bacteria Provisions; or Waste Load Allocations (WLAs) established by a Total Maximum Daily Load (TMDL) in effect prior to March 22, 2019. The San Gabriel River Indicator Bacteria TMDL establishes WLAs for the Pomona WRP equal to the existing total coliform effluent limitations. Since the effluent limitations and WLAs for the Pomona WRP are more stringent than the water quality objectives established through the ISWEBE Bacteria Provisions, the Title 22 based effluent limitations are retained. In addition, USEPA states in their “NPDES Water Quality Based Permit Limits for Recreational Water Quality Criteria (2015)” that they expect the direct application of criteria values at the end-of-pipe approach where the objective is applied directly as permit limits at the discharge point. Since the effluent limitations are applied at the discharge point (end-of-pipe) based on Title 22, which are more stringent than the ISWEBE Bacteria Provisions, additional receiving water limitations are not established.

**3.3.17 Toxicity Provisions.** On December 1, 2020, the State Water Board adopted statewide numeric water quality objectives for both acute and chronic toxicity, using the Test of Significant Toxicity (TST) statistical approach, and a program of implementation to control toxicity, which are collectively known as

the Toxicity Provisions. The Toxicity Provisions provide consistent protection of aquatic life beneficial uses in inland surface waters, enclosed bays, and estuaries throughout the state, and protect aquatic habitats and life from the effects of known and unknown toxicants. The Provisions will take effect upon approval by the California Office of Administrative Law for purposes of state law and upon review and approval by the U.S. Environmental Protection Agency for purposes of federal law.

### **3.4. Impaired Water Bodies on the CWA section 303(d) List**

The State Water Board adopted the California 2014 and 2016 Integrated Report based on a compilation of the Regional Water Boards' Integrated Reports. These Integrated Reports contain both the Clean Water Act (CWA) section 305(b) water quality assessment and section 303(d) list of impaired waters. In developing the Integrated Reports, the Water Boards solicit data, information, and comments from the public and other interested parties. On October 03, 2017 the State Water Board approved the CWA Section 303(d) List portion of the State's 2014 and 2016 Integrated Report (State Water Board Resolution No. 2017-0059). On April 06, 2018, the USEPA approved California's 2014 and 2016 Integrated Report. The [CWA section 303\(d\) list](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml) can be viewed at the following html address: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml).

The San Gabriel River and San Jose Creek are in the California 2014 and 2016 Integrated Report and the following are the identified pollutants impacting the receiving water for the Pomona WRP:

San Jose Creek Reach 2 (Temple to I-10 and White Ave.)

Pollutant: Coliform bacteria

San Jose Creek Reach 1 (San Gabriel confluence to Temple St.)

Pollutants: Ammonia, Coliform bacteria, TDS, Toxicity and pH

San Gabriel River Reach 2 (Firestone Blvd. to Whittier Narrows Dam) Hydrologic unit 405.15, Calwater Watershed 18070104

Pollutants: Coliform bacteria, cyanide and lead

San Gabriel River Reach 1 (Estuary to Firestone Blvd.) Hydrologic unit 405.15, Calwater Watershed 18070104

Pollutants: Coliform bacteria and pH

San Gabriel River Estuary Hydrologic unit 405.15, Calwater Watershed 18070104

Pollutants: Copper, dioxin, nickel, and dissolved oxygen

### **3.5. Other Plans, Policies and Regulations**

3.5.1. Climate Change Adaptation and Mitigation.

On March 7, 2017 the State Water Board adopted a resolution in recognition of the challenges posed by climate change that requires a proactive approach to climate change in all State Water Board actions, including drinking water regulation, water quality protection, and financial assistance (Resolution No. 2017-0012). The resolution lays the foundation for a response to climate change that is integrated into all State Water Board actions, by giving direction to the State Water Board divisions and encouraging coordination with the Regional Water Boards. The Los Angeles Water Board also adopted “A Resolution to Prioritize Actions to Adapt and Mitigate the Impacts of Climate Change on the Los Angeles Region’s Water Resources and Associated Beneficial Uses” (Resolution No. R18-004) on May 10, 2018. The resolution summarizes the steps taken so far to address the impacts of climate change within the Los Angeles Water Board’s programs and lists a series of steps to move forward. These include the identification of potential regulatory adaptation and mitigation measures that could be mitigated on a short-term and long-term basis by each of the Los Angeles Water Board’s programs to take into account, and assist in mitigating where possible, the effects of climate change on water resources and associated beneficial uses. This Order contains provisions to require planning and actions to address climate change impacts in accordance with both the State and Los Angeles Water Boards’ resolutions.

The Permittee shall develop a Climate Change Effects Vulnerability Assessment and Management Plan (Climate Change Plan) and submit the Climate Change Plan to the Los Angeles Water Board for the Executive Officer’s approval no later than 12 months after the effective date of this Order. The Climate Change Plan shall include an assessment of short and long term vulnerabilities of facilities and operations as well as plans to address vulnerabilities of collection systems, facilities, treatment systems, and outfalls for predicted impacts in order to ensure that facility operations are not disrupted, compliance with permit conditions is achieved, and receiving waters are not adversely impacted by discharges. Control measures shall include, but are not limited to, emergency procedures, contingency plans, alarm/notification systems, training, backup power and equipment, and the need for planned mitigation to ameliorate climate-induced impacts including, but not limited to, changing influent and receiving water quality and conditions, as well as the impact of rising sea level (where applicable), wildfires, storm surges, and back-to-back severe storms, which are expected to become more frequent.

- 3.5.2. **Sources of Drinking Water Policy.** On May 19, 1988, the State Water Board adopted Resolution No. 88-63, Sources of Drinking Water Policy, which established a policy that all surface and ground waters, with limited exemptions, are suitable or potentially suitable for municipal and domestic supply. To be consistent with the State Water Board Resolution 88-63, on March 27, 1989, the Los Angeles Water Board adopted Resolution No. 89-03, Incorporation of Sources of Drinking Water Policy into the Water Quality

Control Plans (Basin Plans) – Santa Clara River Basin (4A)/ Los Angeles River Basin (4B). This permit is designed to be consistent with the existing Basin Plan.

- 3.5.3. **Title 22 of the California Code of Regulations (CCR Title 22).** The State Water Resources Control Board, Division of Drinking Water, established primary and secondary maximum contaminant levels (MCLs) for inorganic, organic, and radioactive contaminants in drinking water. These MCLs are codified in Title 22. The Basin Plan (Chapter 3) incorporates Title 22 primary MCLs by reference. This incorporation by reference is prospective, including future changes to the incorporated provisions as the changes take effect. Title 22 primary MCLs have been used as bases for effluent limitations in WDRs and NPDES permits to protect groundwater recharge (GWR) beneficial use when that receiving groundwater is designated as MUN. Also, the Basin Plan specifies that “Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.” This Order contains effluent limitations based on Title 22 MCLs to protect the GWR beneficial use.
- 3.5.4. **Secondary Treatment Regulations.** 40 CFR part 133 establishes the minimum levels of effluent quality to be achieved by secondary treatment. These limitations, established by USEPA, are incorporated into this Order, except where more stringent limitations are required by other applicable plans, policies, or regulations or to prevent backsliding.
- 3.5.5. **Stormwater.** CWA section 402(p), as amended by the Water Quality Act of 1987, requires NPDES permits for stormwater discharges. Pursuant to this requirement, in 1990, USEPA promulgated 40 CFR § 122.26 that established requirements for stormwater discharges under an NPDES program. To facilitate compliance with federal regulations, the State Water Board has issued a statewide general permit, General NPDES Permit No. CAS000001 and Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities (IGP). This permit was amended in September 1992 and reissued on April 17, 1997 in State Water Board Order No. 97-03-DWQ to regulate stormwater discharges associated with industrial activity. Stormwater runoff from the Pomona WRP is regulated separately under General NPDES permit No. CAS000001, WDID No. 4 19I007152. On June 4, 1992, the Sanitation Districts of Los Angeles County filed a Notice of Intent to comply with the requirements of the IGP. On April 1, 2014, the State Water Board adopted Order No. 2014-0057-DWQ, which replaced Order 97-03-DWQ. Order No. 2014-0057-DWQ, was amended in 2015 by Order 2015-0122-DWQ and again on November 6, 2018. The 2018 amendment to the IGP went into effect on July 1, 2020. On June 2, 2015, JOS submitted a new NOI to comply with the requirements of the new IGP. The Permittee developed and currently implements a Storm Water Pollution Prevention Plan (SWPPP), to comply with the IGP No. CAS000001. The SWPPP was last updated on March 2021.

**3.5.6. Sanitary Sewer Overflows (SSOs).** The CWA prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under an NPDES permit. (33 United States Code (USC) sections 1311 and 1342). The State Water Board adopted General WDRs for Sanitary Sewer Systems (Water Quality Order No. 2006-0003-DWQ; SSS WDRs) on May 2, 2006, to provide a consistent, statewide regulatory approach to address SSOs. The SSS WDRs require public agencies that own or operate sanitary sewer systems to apply for coverage under the SSS WDRs, develop and implement sewer system management plans, and report all SSOs to the State Water Board's online SSO database. Regardless of the coverage obtained under the SSS WDRs, the Permittee's collection system is part of the POTW that is subject to this NPDES permit. As such, pursuant to federal regulations, the Permittee must properly operate and maintain its collection system (40 CFR § 122.41 (e)), report any noncompliance (40 CFR § 122.41(1)(6) and (7)), and mitigate any discharge from the collection system in violation of this NPDES permit (40 CFR § 122.41(d)). The requirements contained in this Order in sections 6.3.3.2. (Spill Cleanup Contingency Plan section), 6.3.4. (Construction, Operation and Maintenance Specifications section), and 6.3.6. (Spill Reporting Requirements section) are intended to be consistent with the requirements of the SSS WDRs. The Los Angeles Water Board recognizes that there may be some overlap between these NPDES permit provisions and SSO WDR requirements, related to the collection systems. The requirements of the SSS WDRs are considered the minimum thresholds (see Finding 11 of State Water Board Order No. 2006-0003-DWQ). To encourage efficiency, the Los Angeles Water Board will accept the documentation prepared by the Permittees under the SSS WDRs for compliance purposes as satisfying the requirements in sections 6.3.3.2, 6.3.4, and 6.3.6, provided the more stringent provisions contained in this NPDES permit are also addressed. Pursuant to SSS WDRs, section D, provision 2(iii) and (iv), the provisions of this NPDES permit supersede the SSS WDRs, for all purposes, including enforcement, to the extent the requirements may be deemed duplicative.

**3.5.7. Watershed Management.** This Los Angeles Water Board has been implementing a Watershed Management Approach (WMA) to address water quality protection in the Los Angeles Region. Information about watersheds in the region can be obtained at the Los Angeles Water Board's website at [http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/regional\\_program/watershed/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/regional_program/watershed/index.shtml). The WMA emphasizes cooperative relationships between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available. The accompanying Order fosters the implementation of this approach by protecting beneficial uses in the watershed and requiring the Discharger to participate with other stakeholders, in the development and implementation of a watershed-wide monitoring program. The Monitoring and Reporting

Program (Attachment E) requires the Discharger to undertake the responsibilities delineated under an approved watershed-wide monitoring plan in the implementation of the Watershed-wide Monitoring Program for the San Gabriel River, which was approved by the Los Angeles Water Board on September 25, 2006.

3.5.8. **Relevant TMDLs.** Section 303(d) of the CWA requires states to identify water bodies that do not meet water quality standards and then to establish TMDLs for each water body for each pollutant of concern. TMDLs identify the maximum amount of pollutants that can be discharged to water bodies without causing violations of water quality standards.

- a. **San Gabriel River and Impaired Tributaries Metals and Selenium TMDL** - On March 26, 2007, USEPA established the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL (*San Gabriel River Metals TMDL*). This Order includes effluent limitations for metals established by the TMDL. On June 6, 2013, the Los Angeles Water Board adopted Resolution R13-004, amending the Basin Plan to incorporate an Implementation Plan for the *San Gabriel River Metals TMDL*. This implementation plan was approved by the State Water Board, Office of Administrative Law, and USEPA on March 4, 2014, October 13, 2014, and May 11, 2017, respectively. These effluent limitations are consistent with the concentration-based Waste Load Allocations (WLA) established for the POTWs in this TMDL and provisions of the Implementation Plan. In this permit, Los Angeles Water Board staff translate WLAs into effluent limitations by applying the SIP procedures.
- b. **San Gabriel River, Estuary and Tributaries Indicator Bacteria TMDL** - On June 10, 2015, the Los Angeles Water Board adopted Resolution No. R15-005, amending the Basin Plan to incorporate the San Gabriel River, Estuary, and Tributaries Indicator Bacteria TMDL. This TMDL was approved by the State Water Board, Office of Administrative Law, and USEPA on November 17, 2015, April 14, 2016, and June 14, 2016, respectively. This TMDL assigns WLAs to non-MS4 dischargers, currently subject to permits with effluent limits for bacteria, equal to the existing effluent limits for bacteria. Therefore, the existing Title 22-based bacteria limitations are retained. Since the Pomona WRP already has a final effluent limitation for bacteria, a separate WLA-based bacteria limitation is not established.

#### 4. RATIONALE FOR EFFLUENT LIMITATIONS & 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 CFR section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR 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.

The variety of potential pollutants found in the Facility discharges presents a potential for aggregate toxic effects to occur. Whole effluent toxicity (WET) is an indicator of the combined effect of pollutants contained in the discharge. Chronic toxicity is a more stringent requirement than acute toxicity. Therefore, chronic toxicity is considered a pollutant of concern for protection and evaluation of narrative Basin Plan Water Quality Objectives for toxicity.

#### **4.1. Discharge Prohibitions.**

Effluent and receiving water limitations in this Order are based on the CWA, Basin Plan, State Water Board's plans and policies, USEPA guidance and regulations, and best practicable waste treatment technology. This Order authorizes the discharge of tertiary-treated wastewater from Discharge Point 001 only. It does not authorize any other types of discharges.

#### **4.2. Technology-based Effluent Limitations**

**4.2.1. Scope and Authority.** Technology-based effluent limits require a minimum level of treatment for industrial/municipal point sources based on currently available treatment technologies while allowing the Permittee to use any available control techniques to meet the effluent limits. The 1972 CWA required POTWs to meet performance requirements based on available wastewater treatment technology. Section 301 of the CWA established a required performance level, referred to as "secondary treatment," which all POTWs were required to meet by July 1, 1977. More specifically, section 301(b)(1)(B) of the CWA required that USEPA develop secondary treatment standards for POTWs as defined in section 304(d)(1). Based on this statutory requirement, USEPA developed national secondary treatment regulations which are specified in 40 CFR part 133. These technology-based regulations apply to all POTWs and identify the minimum level of effluent quality to be attained by secondary treatment in terms of BOD<sub>5</sub>20°C and TSS.

#### **4.2.2. Applicable TBELs**

This Facility is subject to the technology-based regulations for the minimum level of effluent quality attainable by secondary treatment in terms of BOD<sub>5</sub>20°C and TSS. The principal design parameters for wastewater treatment plants are the daily BOD and TSS loading rates and the corresponding removal rate of the system. In applying 40 CFR Part 133 for weekly and monthly average BOD and TSS limitations, the application of tertiary treatment processes results in the ability to achieve lower levels of BOD and TSS than the secondary standards. This Facility is also subject to TBELs contained in similar NPDES permits, for similar facilities, based on the treatment level available by tertiary treated wastewater treatment systems. In addition to the average weekly and average monthly effluent limitations, daily maximum effluent limitations for BOD and TSS are included in the Order to

ensure that the treatment works are not organically overloaded and operate in accordance with design capabilities. The Pomona WRP is able to meet these limitations with the existing treatment processes in place at the POTW. Further, mass-based effluent limitations are based on a design flow rate of 15.0 MGD. The removal efficiency for BOD and TSS is set at the minimum level attainable by secondary treatment technology. The following Table summarizes the TBELs applicable to the Facility:

**Table F-6. Summary of TBELs**

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
BOD <sub>5</sub> 20°C	mg/L	20	30	45
BOD <sub>5</sub> 20°C	lbs/day	2,500	3,800	5,600
TSS	mg/L	15	40	45
TSS	lbs/day	1,900	5,000	5,600
Removal Efficiency for BOD and TSS	%	85	---	---

**BOD<sub>5</sub>20°C and TSS**

BOD<sub>5</sub>20°C is a measure of the quantity of the organic matter in the water and, therefore, the water's potential for becoming depleted in dissolved oxygen. As organic degradation takes place, bacteria and other decomposers use the oxygen in the water for respiration. Unless there is a steady resupply of oxygen to the system, the water will quickly become depleted of oxygen. Adequate dissolved oxygen levels are required to support aquatic life. Depressions of dissolved oxygen can lead to anaerobic conditions resulting in odors, or, in extreme cases, in fish kills.

40 CFR part 133 describes the minimum level of effluent quality attainable by secondary treatment, for BOD and TSS, as:

- The 30-day average shall not exceed 30 mg/L, and
- The 7-day average shall not exceed 45 mg/L.

The Pomona WRP provides tertiary treatment. As such, the BOD and TSS limits in the permit are more stringent than secondary treatment requirements and are based on Best Professional Judgment (BPJ). The Facility achieves solids removals that are better than secondary-treated wastewater by filtering the effluent.

In addition to having mass-based and concentration-based effluent limitations for BOD and TSS, the Pomona WRP also has a percent removal requirement for these two constituents. In accordance with 40 CFR sections 133.102(a)(3) and 133.102(b)(3), the 30-day average percent removal shall not be less than 85 percent. Percent removal is



defined as a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the Facility and the 30-day average values of the effluent pollutant concentrations for a given time period.

### **4.3. Water Quality-Based Effluent Limitations (WQBELs)**

#### **4.3.1. Scope and Authority**

CWA Section 301(b) and 40 CFR section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. This Order contains requirements more stringent than secondary treatment requirements that are necessary to meet applicable water quality standards. The rationale for these requirements, which consist of tertiary treatment or equivalent requirements or other provisions, is discussed beginning in section 4.3.2.

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).

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.

#### **4.3.2. Applicable Beneficial Uses and Water Quality Criteria and Objectives**

The Basin Plan establishes the beneficial uses for surface water bodies in the Los Angeles region. The beneficial uses of the South Fork San Jose Creek and the San Gabriel River affected by the discharge have been described previously in this Fact Sheet. The Basin Plan also specifies narrative and numeric WQOs applicable to surface water as described below:

##### **a. pH**

The hydrogen ion activity of water (pH) is measured on a logarithmic scale, ranging from 0 to 14. While the pH of "pure" water at 25°C is 7.0,

the pH of natural waters is usually slightly basic due to the solubility of carbon dioxide from the atmosphere. Minor changes from natural conditions can harm aquatic life. In accordance with 40 CFR § 133.102(c), the effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the POTW demonstrates that (1) inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0. The effluent limitation for pH in this permit requiring that the wastes discharged shall at all times be within the range of 6.5 to 8.5 is taken from the Basin Plan (page 3-40) which reads “the pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharge.”

b. Settleable Solids

Excessive deposition of sediments can destroy spawning habitat, blanket benthic (bottom dwelling) organisms, and abrade the gills of larval fish. The limits for settleable solids are based on the Basin Plan (page 3-44) narrative WQO, “Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” The numeric limits are empirically based on results obtained from the settleable solids 1-hour test, using an Imhoff cone.

It is impracticable to use a 7-day average limitation, because short-term spikes of settleable solid levels that would be permissible under a 7-day average scheme would not be adequately protective of all beneficial uses. The monthly average and the daily maximum limits cannot be removed because none of the anti-backsliding exceptions apply. The monthly average and daily maximum limits were both included in the previous permit (Order R4-2014-0212-A01) and the Pomona WRP has been able to meet both limits.

c. Oil and Grease

Oil and grease are not readily soluble in water and form a film on the water surface. Oily films can coat birds and aquatic organisms, impacting respiration and thermal regulation, and causing death. Oil and grease can also cause nuisance conditions (odors and taste), are aesthetically unpleasant, and can restrict a wide variety of beneficial uses. The limits for oil and grease are based on the Basin Plan (page 3-34) narrative WQO, “Waters shall not contain oils, greases, waxes, or other 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.”

The numeric limits are empirically based on concentrations at which an oily sheen becomes visible in water. It is impracticable to use a 7-day average limitation, because spikes that occur under a 7-day average scheme could cause a visible oil sheen. A 7-day average scheme would

not be sufficiently protective of beneficial uses. The monthly average and the daily maximum limits cannot be removed because none of the anti-backsliding exceptions apply. Both limits were included in the previous permit (Order No. R4-2014-0212-A01) and the Facility has been able to meet both limits.

d. Residual Chlorine

Disinfection of wastewaters with chlorine produces a residual. Chlorine and its reaction products are toxic to aquatic life. The limit for residual chlorine is based on the Basin Plan (page 3-30) narrative WQO, "Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses." It is impracticable to use a 7-day average or a 30-day average limitation, because it is not as protective of beneficial uses as a daily maximum limitation is. Chlorine is very toxic to aquatic life and short-term exposures of chlorine may cause fish kills.

e. TDS, Chloride, Sulfate, and Boron

The limitations for total dissolved solids, chloride, sulfate, and boron are based on Basin Plan Table 3-10 (page 3-37), for the San Gabriel River watershed (between Valley Boulevard and Firestone Boulevard, includes San Jose Creek – downstream of 71 Freeway). TDS = 750 mg/L; Sulfate = 300 mg/L; Chloride = 180 mg/L; and Boron = 1.0 mg/L. It is practicable to express these limits as monthly averages since they are not expected to cause acute effects on beneficial uses.

Limits based upon the Basin Plan Objectives have been included in this Order because, based upon Best Professional Judgment, these constituents are always present in potable water, which is the supply source of the wastewater entering the Treatment Plant. They may be present in concentrations which meet California drinking water standards but exceed the Basin Plan Objectives. Therefore, limitations are warranted to protect the beneficial uses of the receiving water.

f. Methylene Blue Activated Substances (MBAS) and Cobalt Thiocyanate Active Substances (CTAS)

The existing permit effluent limitation of 0.5 mg/L for MBAS was developed based on the Basin Plan incorporation of Title 22, Drinking Water Standards.

The effluent limitation for MBAS is included to protect the existing GWR beneficial use that is designated for the surface receiving waters downstream of the discharge as well as the existing MUN beneficial use of the underlying groundwater basin. Water from the soft-bottomed San Jose Creek incidentally recharges the underlying Groundwater Basin. Section 1.3, Step 7 of the SIP lists the type of information that can be used with

the permit writer's "best professional judgement" to determine RP. Page 7 of the SIP states, "Information that may be used to aid in determining if a water quality-based effluent limitation is required includes: the facility type, the discharge type, solids loading analysis, lack of dilution, history of compliance problems, potential toxic impact of discharge, fish tissue residue data, water quality beneficial uses of the receiving water, CWA 303(d) listing of the pollutant, the presence of endangered or threatened species or critical habitat, and other information."

The MBAS limit also protects the recreational, aquatic life, and wildlife beneficial uses of the surface receiving water downstream of the discharge against foam and implements the Basin Plan WQO for floating material. Volume 44, No. 179 of the Federal Register (on page 53467) explains that foaming is a characteristic of water which has been contaminated by the presence of detergents and similar substances. The 0.5 mg/L limit for foaming agents is based on the fact that at higher concentrations, the water may exhibit undesirable taste and foaming properties.

Given the nature of the Facility which accepts domestic wastewater into the sewer system and treatment plant, and the characteristics of the pollutants discharged, the discharge has reasonable potential to exceed both the numeric MBAS WQO and the narrative WQO for the prohibition of floating material such as foams and scums. This was made evident by an incident on May 23, 2019, in which the Pomona WRP violated the narrative receiving water objective that prohibits foam and nuisance in the receiving water as a result of waste discharge. The violation was linked to a non-compliant industrial user that was discharging excessive surfactants to the sewer system. The issue was subsequently addressed by the Pomona WRP under the facility's pretreatment program. Therefore, an effluent limitation is required.

Cobalt thiocyanate active substances (CTAS) are monitored in the same way as MBAS. The presence or absence of CTAS during sampling assists permit writers and the Permittee in diagnosing the source of floating materials, such as foam or scum, which are prohibited by the Basin Plan when they cause nuisance or adversely affect beneficial uses. There is no limitation or compliance requirement for CTAS because it has no established water quality objective.

g. Total Inorganic Nitrogen ( $\text{NO}_2 + \text{NO}_3$  as N)

Total inorganic nitrogen is the sum of Nitrate-nitrogen and Nitrite-nitrogen. High nitrate levels in drinking water can cause health problems in humans. Infants are particularly sensitive and can develop methemoglobinemia (blue-baby syndrome). Nitrogen is also considered a nutrient. Excessive amounts of nutrients can lead to other water quality impairments such as algal growth. Excessive growth of algae and/or other aquatic plants can degrade water quality. Algal blooms sometimes occur naturally, but they

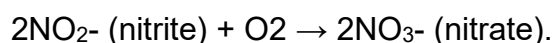
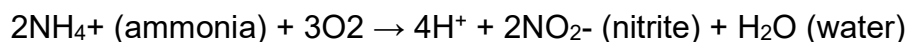
are often the result of excess nutrients (i.e., nitrogen, phosphorus) from waste discharges or nonpoint sources. These algal blooms can lead to problems with tastes, odors, color, and increased turbidity and can depress the dissolved oxygen content of the water, leading to fish kills. Floating algal scum and algal mats are also an aesthetically unpleasant nuisance.

The WQO for biostimulatory substances are based on the Basin Plan (page 3-29) narrative WQO, "Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses," and other relevant information to arrive at a mass based-limit intended to be protective of the beneficial uses, pursuant to 40 CFR § 122.44(d). Total inorganic nitrogen will be the indicator parameter intended to control algae, pursuant to 40 CFR § 122.44(d)(1)(vi)(C).

The total inorganic nitrogen ( $\text{NO}_2\text{-N} + \text{NO}_3\text{-N}$ ) effluent limitation of 8 mg/L is based on Basin Plan Table 3-10 (page 3-37) for San Gabriel River between Valley Boulevard and Firestone Boulevard. The mass emission rates are based on the plant design flow rate of 15.0 mgd.

h. Nitrite as Nitrogen

The effluent limit for nitrite as nitrogen ( $\text{NO}_2\text{-N}$ ) of 1.0 mg/L is based on the Basin Plan and best professional judgement. The mechanism for reducing ammonia concentrations in the effluent involves the nitrification-denitrification treatment process, where the ammonia and organic nitrogen are oxidized to nitrite before final conversion to nitrate. Therefore, there is reasonable potential for nitrite to be present in the discharge if the oxidation process is not complete.



i. Total Ammonia

Ammonia is a pollutant routinely found in the wastewater effluent of POTWs, in landfill-leachate, as well as in run-off from agricultural fields where commercial fertilizers and animal manure are applied. Ammonia exists in two forms – un-ionized ammonia ( $\text{NH}_3$ ) and the ammonium ion ( $\text{NH}_4^+$ ). They are both toxic, but the neutral, un-ionized ammonia species ( $\text{NH}_3$ ) is much more toxic because it diffuses across the epithelial membranes of aquatic organisms much more readily than the charged ammonium ion. The form of ammonia is primarily a function of pH, but it is also affected by temperature and other factors. Additional impacts can also occur as the oxidation of ammonia lowers the dissolved oxygen content of the water, further stressing aquatic organisms. Oxidation of ammonia to nitrate may lead to groundwater impacts in areas of recharge. There is groundwater recharge in these reaches. Ammonia also combines

with chlorine (often both are present in POTW treated effluent discharges) to form chloramines – persistent toxic compounds that extend the effects of ammonia and chlorine downstream.

- i. **San Gabriel River Ammonia.** The Basin Plan contains water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4.

The Basin Plan contains separate ammonia objectives to protect Early Life Stages (ELS) of fish in inland surface waters supporting aquatic life. Table 3-4 of the Basin Plan contains Site-Specific Objectives for Select Inland Surface Waters in the San Gabriel River, Los Angeles River and Santa Clara River Watersheds. This table includes site-specific 30-day average objectives for ammonia along with corresponding site-specific early life stage implementation provisions for select waterbody reaches and tributaries in the Santa Clara, Los Angeles, and San Gabriel River watersheds.

- ii. **Applicable Ammonia Objectives.** The Pomona WRP discharges to San Jose Creek, which is governed by Table 3-4 of the Basin Plan.

The Los Angeles Water Board has adopted NPDES permits recently using an approach for calculating both the end-of-pipe limitations for ammonia, as well as receiving water limitations that address site-specific characteristics of effluent, and the receiving water. These limitations are protective of beneficial uses. The procedures for calculating the ammonia nitrogen effluent limitation based on Basin Plan amendment is discussed below:

- 1. **One Hour Average Objective.** The one-hour average objective is dependent on pH and whether or not salmonids are present. It is assumed that salmonids may be present in waters designated in the Basin Plan as “COLD” or “MIGR.” The Facility’s immediate receiving waterbody has no “COLD” or “MIGR” beneficial use designation. Although the Estuary has an MIGR beneficial use designation, it has no COLD beneficial use designation. Therefore, the receiving water will be designated as “Waters not Designated COLD or MIGR.” For waters not designated COLD or MIGR, the one-hour average concentration of total ammonia as nitrogen (in mg N/L) shall not exceed the values in Table 3-1 of the Basin Plan or as described in the equation below:

$$\text{One – hour Average Concentration} = \frac{0.411}{1 + 10^{(7.204 - pH)}} + \frac{58.4}{1 + 10^{pH - 7.204}}$$

The 90<sup>th</sup> percentile of effluent pH is 7.5. Use of the 90<sup>th</sup> percentile pH to set effluent limitations is appropriate because of the shorter time scale of the one-hour average. It is conservative because it is overprotective 90% of the time. Additionally, there is little variability in the effluent pH data. Using the pH value of 7.5 in the formula

above, the resulting One-hour Average Objective is equal to 19.9 mg/L.

2. **4-Day Objective.** From the Basin Plan (page 3-6), the 4-Day Average Objective is equal to 2.5 times the 30-Day Average Objective. The resulting 4-Day Average Objective is equal to 5.96 mg/L.
3. **Site Specific Objective (SSO).** Table 3-4 of the Basin Plan includes Site-Specific Objectives for Select Inland Surface Waters in the San Gabriel River, Los Angeles River and Santa Clara River Watersheds. This table incorporates site-specific 30-day average objectives for ammonia along with corresponding site-specific early life stage implementation provisions for select waterbody reaches and tributaries in the Santa Clara, Los Angeles, and San Gabriel River watersheds. As part of its triennial review process, the Los Angeles Board will consider the continued appropriateness of the site-specific objectives. The application of the SSO is not considered backsliding under Section 402(o)(2) of the Clean Water Act because the facility continues discharging less ammonia into San Jose Creek than it used to in the past, following the construction and operation of the nitrification and denitrification system which removes ammonia nitrogen from the influent. The SSO 30-Day Average Objective is determined with two different formulas, incorporating the seasonality of early life stages (ELS) of fish in San Jose Creek, according to Table 3-4. From April 1 to September 30, when ELS are present, the following formula applies to San Jose Creek (Pomona WRP to confluence with San Gabriel River):

$$\text{CCC SSO 30 Day Av ELS P} = \left( \frac{0.0676}{1 + 10^{(7.688 - \text{pH})}} + \frac{2.912}{1 + 10^{\text{pH} - 7.688}} \right) * 0.92 * \text{MIN}(2.85, 2.02 * 10^{0.028 * (25 - T)})$$

From October 1 to March 31, when ELS are absent, the following formula applies:

$$\text{CCC SSO 30 Day Av ELS A} = \left( \frac{0.0676}{1 + 10^{(7.688 - \text{pH})}} + \frac{2.912}{1 + 10^{\text{pH} - 7.688}} \right) * 0.92 * 2.02(10^{0.028 * (25 - \text{MAX}(T, 7))})$$

4. Translation of Ammonia Nitrogen Objectives into effluent Limitations using Ammonia SSO.

**Step 1** – Identify applicable water quality criteria.

The Discharger's effluent data is separated by time of year when ELS are present (from April 1 to September 30) and when ELS are absent (from October 1 to March 31), from 2015 to 2019:

**ELS Present:** pH = 7.4 at 50th percentile & Temp. = 27°C  
pH = 7.5 at 90th percentile & Temp. = 30°C

From Basin Plan Table 3-1, using 90th percentile pH 7.5;

One-hour Average Objective = 19.9 mg/L

The Ammonia SSO formula replaces Basin Plan Table 3-2.

Using 50th percentile pH 7.3 and temperature = 27°C;

30-day Average SSO ELS Present = 3.2 mg/L

From Basin Plan Chapter 3;

4-day Average Objective = 2.5 times the 30-D. Ave. Obj.

4-day Average Objective =  $2.5 \times 3.2 = 7.9$  mg/L

**ELS Absent:**

pH = 7.4 at 50th percentile and Temperature = 23°C

pH = 7.5 at 90th percentile and Temperature = 27 °C

From Basin Plan Table 3-1, using 90th percentile pH 7.5;

One-hour Average Objective = 19.9 mg/L

The Ammonia SSO formula replaces Basin Plan Table 3-2.

Using 50th percentile pH 7.4 and temperature = 23°C;

30-day Average SSO ELS Absent = 4.1 mg/L

From Basin Plan Chapter 3;

4-day Average Objective = 2.5 times the 30-DAve. Obj.

4-day Average Objective =  $2.5 \times 4.1 = 10.3$  mg/L

**Step 2** – For each water quality objective, calculate the effluent concentration allowance (ECA) using the steady-state mass balance model. Since mixing has not been allowed by the Los Angeles Water Board, this equation applies:  $ECA = WQO$

**Step 3** – Determine the Long-Term Average discharge condition (LTA) by multiplying each ECA with a factor (multiplier) that adjust for variability. By using Table 3-6, calculated CV (i.e., standard deviation/mean for ammonia), the following are the Effluent Concentration Allowance.

ECA multiplier when CV = 0.4

ECA multiplier<sub>One-hour Average</sub> = 0.44

ECA multiplier<sub>Four-day Average</sub> = 0.643

ECA multiplier<sub>30-day Average</sub> = 0.846

Using the LTA equations:

ELS Present:



$$\begin{aligned} LTA_{1\text{-hour}/99} &= ECA_{1\text{-hour}} \times ECA \text{ multiplier}_{1\text{-hour}/99} = 19.9 \times 0.44 \\ &= 8.74 = 8.7 \text{ mg/L} \end{aligned}$$

$$\begin{aligned} LTA_{4\text{-day}/99} \text{ ELS Present} &= ECA_{4\text{-day}} \times ECA \text{ multiplier}_{4\text{-day}/99} \\ &= 7.95 \times 0.643 = 5.1 \text{ mg/L} \end{aligned}$$

$$\begin{aligned} LTA_{30\text{-day}/99} \text{ ELS Present} &= ECA_{30\text{-day}} \times ECA \text{ multiplier}_{30\text{-day}/99} \\ &= 3.18 \times 0.846 = \mathbf{2.7} \text{ mg/L} \end{aligned}$$

ELS Absent:

$$\begin{aligned} LTA_{1\text{-hour}/99} &= ECA_{1\text{-hour}} \times ECA \text{ multiplier}_{1\text{-hour}/99} = 19.9 \times 0.44 \\ &= 8.74 \text{ mg/L} \end{aligned}$$

$$\begin{aligned} LTA_{4\text{-day}/99} \text{ ELS Absent} &= ECA_{4\text{-day}} \times ECA \text{ multiplier}_{4\text{-day}/99} \\ &= 10.3 \times 0.643 = 6.61 \text{ mg/L} \end{aligned}$$

$$\begin{aligned} LTA_{30\text{-day}/99} \text{ ELS Absent} &= ECA_{30\text{-day}} \times ECA \text{ multiplier}_{30\text{-day}/99} \\ &= 4.1 \times 0.846 = \mathbf{3.5} \text{ mg/L} \end{aligned}$$

**Step 4** – Select the (most limiting) of the LTAs derived in Step 3 ( $LTA_{\min}$ )

$$\text{ELS Present } LTA_{\min} = \mathbf{2.7} \text{ mg/L}$$

$$\text{ELS Absent } LTA_{\min} = \mathbf{3.5} \text{ mg/L}$$

**Step 5** – Calculate water quality based MDEL and AMEL by multiplying  $LTA_{\min}$  as selected in Step 4, with a factor (multiplier) found in Table 3-7.

Monthly sampling frequency (n) is 30 times per month or less, and the minimum LTA is the  $LTA_{30\text{-day}/99}$ , so  $n = 30$ ,  $CV = 0.4$ .

$$\text{MDEL multiplier} = 2.27$$

$$\text{AMEL multiplier} = 1.12$$

ELS Present:

$$\text{MDEL} = LTA_{\min} \times \text{MDEL multiplier}_{99} = 2.7 \times 2.27 = \mathbf{6.1} \text{ mg/L}$$

$$\text{AMEL} = LTA_{\min} \times \text{AMEL multiplier}_{95} = 2.7 \times 1.12 = \mathbf{3.0} \text{ mg/L}$$

ELS Absent:

$$\text{MDEL} = LTA_{\min} \times \text{MDEL multiplier}_{99} = 3.5 \times 2.27 = \mathbf{7.9} \text{ mg/L}$$

$$\text{AMEL} = LTA_{\min} \times \text{AMEL multiplier}_{95} = 3.5 \times 1.12 = \mathbf{3.9} \text{ mg/L}$$

5. Receiving Water Ammonia Limitation.

To ensure that downstream receiving waters are protected at all times, the Discharger will be required to monitor for ammonia at location RSW-001D, within 12 feet from the discharge outfall. The

purpose of the monitoring location will be to ensure that ammonia water quality objectives are met in the receiving water, even immediately downstream of the discharge when there has been little time for uptake or volatilization of ammonia in the receiving water. Concurrent sampling of ammonia, pH, and temperature will be required at this monitoring location. The Discharger will be required to compare ammonia results to Basin Plan ammonia water quality objectives, based on the real-time pH and temperature data collected at the time of ammonia sampling.

This permit includes final effluent ammonia effluent limitations based on effluent pH and temperature. Conditions in the effluent may be significantly different than the receiving water conditions. The Basin Plan's water quality objective for ammonia shall be met at the receiving water at all times. In this permit, the Discharger has to meet the ammonia water quality objectives within the first 12 feet downstream of the discharge outfall.

This permit does not require the Discharger to submit an approvable work plan to determine the pH and temperature fluctuations in the first 100 feet downstream of the discharge outfall, because it has already been determined that RSW-001 is the most suitable location for determining compliance with the receiving water ammonia limitation.

j. Bacteria Indicators

Total coliform bacteria are used to indicate the likelihood of pathogenic bacteria in surface waters. Given the nature of the Facility, a wastewater treatment plant, pathogens are likely to be present in the effluent if the disinfection process is not operating adequately. As such, the permit contains the following effluent limitations:

Effluent Limitations

- The 7-day median number of total coliform bacteria at some point in the treatment process must not exceed a Most Probable Number (MPN) or Colony Forming Unit (CFU) of 2.2 per 100 milliliters,
- The number of total coliform bacteria must not exceed an MPN or CFU of 23 per 100 milliliters in more than one sample within any 30-day period; and
- No sample shall exceed an MPN for CFU of 240 total coliform bacteria per 100 milliliters.

These disinfection-based effluent limitations for total coliform are for human health protection and are consistent with requirements established by the State Water Resources Control Board, Division of Drinking Water. These limits for total coliform must be met at the point of the treatment

train immediately following disinfection, as a measure of the effectiveness of the disinfection process.

k. Temperature

The Basin Plan contains the following water quality objective for temperature:

The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses. Alterations that are allowed must meet the requirements below.

For waters designated WARM, water temperature shall not be altered by more than 5°F above the natural temperature. At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharges.

Based on the review of the facility's temperature data for this permit cycle, the effluent temperature has occasionally exceeded the effluent limitation of 86°F contained in Order No. R4-2014-0212-A01. There is no upstream receiving water station because the facility is located at the foot of a hill. Therefore, it can be reasonably concluded that the receiving water temperature might occasionally rise above 80 °F as a result of the facility's effluent discharge. However, if the facility recycles 100% of the effluent, then it will not have a compliance issue with respect to the temperature final effluent limitation. The effluent limitation of 86°F contained in Order No. R4-2014-0212-A01 was replaced with a final effluent limitation of 80 °F in Order No. R4-2021-XXXX, to be consistent with the Basin Plan water quality objective. Since the facility cannot consistently comply with the 80 °F newly interpreted temperature effluent limitation, JOS submitted a request for a compliance schedule and proposes to conduct a study, among other tasks, during the compliance schedule period. This Order includes a compliance schedule to address the temperature effluent limitation.

Temperature can adversely affect beneficial uses. The USEPA document, *Quality Criteria for Water 1986* [EPA 440/5-86-001, May 1, 1986], also referred to as the *Gold Book*, discusses temperature and its effects on beneficial uses, such as recreation and aquatic life.

- The Federal Water Pollution Control Administration in 1967 called temperature “a catalyst, a depressant, an activator, a restrictor, a stimulator, a controller, a killer, and one of the most important water quality characteristics to life in water.” The suitability of water for total body immersion is greatly affected by temperature. Depending on the amount of activity by the swimmer, comfortable temperatures range from 20°C to 30°C (68 °F to 86 °F).

- Temperature also affects the self-purification phenomenon in water bodies and therefore the aesthetic and sanitary qualities that exist. Increased temperatures accelerate the biodegradation of organic material both in the overlying water and in bottom deposits which makes increased demands on the dissolved oxygen resources of a given system. The typical situation is exacerbated by the fact that oxygen becomes less soluble as water temperature increases. Thus, greater demands are exerted on an increasingly scarce resource which may lead to total oxygen depletion and obnoxious septic conditions. Increased temperature may increase the odor of water because of the increased volatility of odor-causing compounds. Odor problems associated with plankton may also be aggravated.
- Temperature changes in water bodies can alter the existing aquatic community. Coutant (1972) has reviewed the effects of temperature on aquatic life reproduction and development. Reproductive elements are noted as perhaps the most thermally restricted of all life phases assuming other factors are at or near optimum levels. Natural short-term temperature fluctuations appear to cause reduced reproduction of fish and invertebrates.

I. Turbidity

Turbidity is an expression of the optical property that causes light to be scattered in water due to particulate matter such as clay, silt, organic matter, and microscopic organisms. Turbidity can result in a variety of water quality impairments. The effluent limitation for turbidity which reads, "For the protection of the water contact recreation beneficial use, the discharge to water courses shall have received adequate treatment, so that the turbidity of the wastewater does not exceed: (a) a daily average of 2 Nephelometric turbidity units (NTU); (b) 5 NTU more than 5 percent of the time (72 minutes) during any 24 hour period; and (c) 10 NTU at any time" is based on the Basin Plan (page 3-46) and section 60301.320 of Title 22, chapter 3, "Filtered Wastewater" of the CCR.

m. Radioactivity

Radioactive substances are generally present in natural waters in extremely low concentrations. Mining or industrial activities increase the amount of radioactive substances in waters to levels that are harmful to aquatic life, wildlife, or humans. Section 301(f) of the CWA contains the following statement with respect to effluent limitations for radioactive substances, "Notwithstanding any other provisions of this Act, it shall be unlawful to discharge any radiological, chemical, or biological warfare agent, any high-level radioactive waste, or any medical waste, into the navigable waters." Chapter 5.5 of the Water Code contains a similar prohibition under section 13375, which reads as follows: "The discharge of any radiological, chemical, or biological warfare agent into the waters of

the state is hereby prohibited.” However, rather than an absolute prohibition on radioactive substances, Los Angeles Water Board staff have set the following effluent limit for radioactivity: “Radioactivity of the wastes discharged shall not exceed the limits specified in Title 22, Chapter 15, Article 5, sections 64442 and 64443, of the CCR, or subsequent revisions.” The limit is based on the Basin Plan incorporation of Title 22, CCR, *Drinking Water Standards*, by reference, to protect beneficial use. Therefore, this Order retains the limitation for radioactivity.

#### 4.3.3. CTR and SIP

The CTR and the SIP specify numeric objectives for toxic substances and the procedures whereby these objectives are to be implemented. The procedures include those used to conduct reasonable potential analysis (RPA) to determine the need for effluent limitations for priority pollutants. The Technical Support Document (TSD) also specifies procedures to conduct reasonable potential analyses.

#### 4.3.4. Determining the Need for WQBELs

The Los Angeles Water Board developed WQBELs for selenium and lead based upon Total Maximum Daily Loads (TMDLs). The TMDLs explicitly assign WLAs to WRPs that discharge into specific reaches of the San Gabriel River. The Los Angeles Water Board developed water quality-based effluent limitations for these pollutants in compliance with 40 CFR section 122.44(d)(1)(vii).

The effluent limitations for these pollutants were established because there is Tier 3 reasonable potential for the pollutants to be present in the discharge at levels that would cause or contribute to a violation of water quality standards. The Los Angeles Water Board developed WQBELs for these pollutants pursuant to 40 CFR section 122.44(d)(1)(vii), which does not require or contemplate a separate reasonable potential analysis at the permitting stage. Similarly, the SIP at Section 1.3 recognizes that a separate reasonable potential analysis is not appropriate if a TMDL has been developed.

In accordance with Section 1.3 of the SIP, the Los Angeles Water Board conducted a reasonable potential analysis for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Los Angeles Water Board analyzed effluent data to determine if a pollutant in a discharge has a reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that demonstrate reasonable potential, numeric WQBELs are required. The RPA considers water quality criteria from the CTR and NTR, and when applicable, water quality objectives specified in the Basin Plan. To conduct the RPA, the Los Angeles Water Board staff identified the maximum effluent concentration (MEC) and maximum background concentration in the receiving water for each constituent, based on data provided by the Permittee.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete an RPA:

Trigger 1 – If the MEC is greater than or equal to the CTR water quality criteria or applicable objective (C), a limitation is needed.

Trigger 2 – If background water quality (B) > C and the pollutant is detected in the effluent, a limitation is needed.

Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, then best professional judgment is used to determine that a limit is needed.

Sufficient effluent and ambient data are needed to conduct a complete RPA. If data are not sufficient, the Permittee will be required to gather the appropriate data for the Los Angeles Water Board to conduct the RPA. Upon review of the data, and if the Los Angeles Water Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

The RPA was performed for the priority pollutants regulated in the CTR for which data are available. Based on the RPA, pollutants that demonstrate reasonable potential to cause or contribute to an exceedance of the CTR criteria are silver and dieldrin. The discharge also had reasonable potential to cause or contribute to an exceedance of the Basin Plan WQO for Total trihalomethanes. The following Table summarizes results from RPA.

**Table F-7. Summary of Reasonable Potential Analysis**

CTR No.	Constituent	Applicable Water Quality Criteria (C) µg/L	Max Effluent Concentration (MEC) µg/L	Max. Detected Receiving Water Concentration (B) µg/L	RPA Result – Need Limitation ?	Reason
1	Antimony	6	0.57	No Sample	No	MEC<C
2	Arsenic	10	1.39	No Sample	No	MEC<C
4	Cadmium	4.4	0.11	No Sample	No	MEC<C
5a	Chromium III	380	1.39	No Sample	No	MEC<C
5b	Chromium VI	11	0.28	No Sample	No	MEC<C
6	Copper	18	5.84	No Sample	No	MEC<C
7	Lead	166	0.53	No Sample	Yes	TMDL
8	Mercury	0.012	0.0055	No Sample	No	MEC<C
9	Nickel	98	3.01	No Sample	No	MEC<C
10	Selenium	5	0.58	No Sample	Yes	TMDL

CTR No.	Constituent	Applicable Water Quality Criteria (C) µg/L	Max Effluent Concentration (MEC) µg/L	Max. Detected Receiving Water Concentration (B) µg/L	RPA Result – Need Limitation ?	Reason
11	Silver	14.7	57.5 (note a)	No Sample	Yes	MEC>C
13	Zinc	226	106	No Sample	No	MEC<C
14	Cyanide	5.2	0.0037	No Sample	No	MEC<C
20	Bromoform	360	16.7	No Sample	No	MEC<C
21	Carbon Tetrachloride	0.5	0.22	No Sample	No	MEC<C
23	Dibromochloromethane	34	27.6	No Sample	No	MEC<C
26	Chloroform	No Criteria	97.2	No Sample	No	No Criteria
27	Dichlorobromomethane	46	21.8	No Sample	No	MEC<C
35	Methyl chloride	No Criteria	0.25	No Sample	No	No Criteria
36	Methylene chloride	1,600	0.26	No Sample	No	MEC<C
38	Tetrachloroethylene	5	1.2	No Sample	No	MEC<C
39	Toluene	150	0.38	No Sample	No	MEC<C
54	Phenol	4,600,000	0.35	No Sample	No	MEC<C
55	2,4,6-trichlorophenol	6.5	0.22	No Sample	No	MEC<C
68	Bis(2-Ethylhexyl) Phthalate	4	0.5	No Sample	No	MEC<C
70	Butylbenzyl Phthalate	5,200	0.27 DNQ	No Sample	No	MEC<C
79	Diethyl Phthalate	120,000	0.98	No Sample	No	MEC<C
96	N-Nitrosodimethylamine	8.1	0.69	No Sample	No	MEC<C
99	Phenanthrene	No criteria	0.28	No Sample	No	No Criteria
105	Gamma-BHC (aka Lindane)	0.063	0.009	No Sample	No	MEC<C

CTR No.	Constituent	Applicable Water Quality Criteria (C) µg/L	Max Effluent Concentration (MEC) µg/L	Max. Detected Receiving Water Concentration (B) µg/L	RPA Result – Need Limitation ?	Reason
111	Dieldrin	0.00014	0.009 DNQ	No Sample	Yes	MEC>C
	Iron	300	62	No sample	No	MEC<C
	Total trihalomethanes	80	123	No sample	Yes	MEC>C
	1,4-Dioxane	30	1.5	No sample	No	MEC<C
	Perchlorate	6	1.1	No sample	No	MEC<C

**Footnotes for Table F-7**

- a. The silver effluent concentration of 57.5 µg/L was the result of an experimental/research analysis on a sample that was expired and not appropriately preserved. Among compliance samples, the maximum observed silver effluent concentration between January 2015 and December 2020 was a 0.04 DNQ ug/L.

**End of Footnotes for Table F-7**

4.3.5. WQBEL Calculations

- a. Calculation Options. Once RPA has been conducted using either the TSD or the SIP methodologies, WQBELs are calculated. Alternative procedures for calculating WQBELs include:
- Use WLA from applicable TMDL
  - Use a steady-state model to derive MDELs and AMELs.
  - Where sufficient data exist, use a dynamic model which has been approved by the State Water Board.
- b. TMDL-based Limitations
- i. San Gabriel River Metals TMDL

Lead

Chapter 7-20 of the Basin Plan, Implementation Plan for the *San Gabriel River Metals TMDL*, describes the implementation procedures and regulatory mechanisms to provide reasonable assurances that water quality standards will be met. The implementation plan requires permit writers to translate WLAs into effluent limits by applying the SIP procedures or other applicable engineering practices authorized under federal regulations. According to Table 2-9 of the USEPA-promulgated *Total Maximum Daily Loads for Metals and Selenium for the San Gabriel River and Impaired Tributaries*, titled Summary of Dry-Weather and Wet-



Weather Impairments, Reach 2 of the San Gabriel River only has a wet-weather impairment for lead. There is reasonable potential for lead because a TMDL WLA has been developed (Tier 3) for Reach 2. Therefore, an effluent limitation has been prescribed for lead. In this permit, the metals criteria for lead were calculated using the TMDL hardness of 175 mg/L. The effluent limit calculation is consistent with the *San Gabriel River Metals TMDL* Implementation Plan. The final effluent limitations for lead shall apply to wet-weather conditions only. Wet-weather is defined as the condition in the San Gabriel River when maximum daily flow at the United States Geological Survey gauging station 11087020 is equal to or greater than 260 cubic feet per second. The *San Gabriel River Metals TMDL* staff report, on page 17, indicated that the United States Geological Survey (USGS) gauge station located just above Whittier Narrows Dam (station 11085000) was the best location to assess wet-weather flow conditions. However, USGS station 1108500 is actually located below Santa Fe Dam in Baldwin Park, not above it. The USGS flow gauging station located above Whittier Narrows Dam in Reach 3 is station 11087020, as depicted on Figure 3 of the *San Gabriel River Metals TMDL* staff report. Therefore, for flow monitoring purposes, and for determination of the wet-weather flow condition, USGS station 11087020 will be used.

#### Selenium

Dry weather allocations are assigned to sources in San Jose Creek Reach 1 and Reach 2 to meet the selenium TMDL in San Jose Creek Reach 1. Concentration-based waste load allocations equal to the dry-weather selenium target for San Jose Creek Reach 1 (Table 3-1 of the *Metals TMDL* staff report) are assigned to POTWs and other non-storm water point sources. There is reasonable potential (Tier 3) for selenium because a TMDL WLA has been developed. Therefore, an effluent limitation has been prescribed for selenium. The effluent limit calculation is consistent with the *San Gabriel River Metals TMDL* Implementation Plan. The final effluent limitations for selenium shall apply to dry-weather conditions only. Dry-weather is defined as the condition in the San Gabriel River when maximum daily flow at the USGS gauging station 11087020 is less than 260 cubic feet per second.

- c. **SIP Calculation Procedure.** Section 1.4 of the SIP requires the step-by-step procedure to “adjust” or convert CTR numeric criteria into AMELs and MDELs, for toxics.

Step 3 of Section 1.4 of the SIP (page 8) lists the statistical equations that adjust CTR criteria for effluent variability.

Step 5 of Section 1.4 of the SIP (page 10) lists the statistical equations that adjust CTR criteria for averaging periods and exceedance frequencies of the criteria/objectives. This section also reads, "For this method only, maximum daily effluent limitations shall be used for POTWs in place of average weekly limitations.

Sample calculation for dieldrin:

**Step 1:** Identify applicable water quality criteria.

From California Toxics Rule (CTR), we can obtain the human health criterion for Organisms only = 0.00014 µg/L (CTR page 31712, column D2); the Aquatic Life Criterion Maximum Concentration (CMC) = 0.24 µg/L and the Criterion Continuous Concentration (CCC) = 0.056 µg/L for dieldrin.

**Step 2:** Calculate effluent concentration allowance (ECA)

ECA = Criteria in CTR, since no dilution is allowed.

**Step 3:** Determine long-term average (LTA) discharge condition

Calculate CV:

$CV = \text{Standard Deviation}/\text{Mean} = 0.6$

Find the ECA Multipliers from SIP Table 1 (page 9), or by calculating them using equations on SIP page 6. When CV = 0.6:

ECA Multiplier acute = 0.321 and

ECA Multiplier chronic = 0.527

LTA acute = ECA acute x ECA Multiplier acute = 0.077

LTA chronic = ECA chronic x ECA Multiplier chronic = 0.0295

**Step 4:** Select the lowest LTA = 0.0295

**Step 5:** Calculate the Average Monthly Effluent Limitation (AMEL) & Maximum Daily Effluent Limitation (MDEL) for AQUATIC LIFE

$$AMEL = 1.55 \times 0.0295 = 0.0457$$

$$MDEL = 3.11 \times 0.0295 = 0.0918$$

**Step 6:** Find the Average Monthly Effluent Limitation (AMEL) & Maximum Daily Effluent Limitation (MDEL) for HUMAN HEALTH

Find factors. Given CV = 0.6.

The MDEL/AMEL human health factor = 2.01

AMEL human health = ECA = 0.00014 µg/L

MDEL human health = ECA x MDEL/AMEL factor  
 $= 0.00014 \text{ µg/L} \times 2.01 = 0.00028 \text{ µg/L}$

**Step 7:** Compare the AMELs for Aquatic life and Human health and select the lowest. Compare the MDELs for Aquatic life and Human health and select the lowest

Lowest AMEL = 0.00014 µg/L (for human health protection)

Lowest MDEL = 0.00028 µg/L (for human health protection)

d. Impracticability Analysis

Federal NPDES regulations contained in 40 CFR § 122.45 (continuous discharges) states that, for POTWs, all permit limitations, standards, and prohibitions, including those to achieve water quality standards, shall unless impracticable be stated as average weekly and average monthly.

As stated by USEPA in its long-standing guidance for developing WQBELs, average alone limitations are not practical for limiting acute, chronic, and human health toxic effects.

For example, a POTW sampling for a toxicant to evaluate compliance with a 7-day average limitation could fully comply with this average limit, but still be discharging toxic effluent on one, two, three, or up to four of these seven days and not be meeting 1-hour average acute criteria or 4-day average chronic criteria. Similarly, a 7-day average alone would not protect one, two, three, or four days of discharging pollutants in excess of the acute and chronic criteria. Fish exposed to these endocrine disrupting chemicals will be passed on to the human consumer. Endocrine disruptors alter hormonal functions by several means. These substances can:

- Mimic or partly mimic the sex steroid hormones estrogens and androgens (the male sex hormone) by binding to hormone receptors or influencing cell signaling pathways.
- Block, prevent and alter hormonal binding to hormone receptors or influencing cell signaling pathways.
- Alter production and breakdown of natural hormones.
- Modify the making and function of hormone receptors.

For this reason, USEPA recommends daily maximum and 30-day average limits for regulating toxics in all NPDES discharges. For the purposes of protecting the acute effects of discharges containing toxicants (CTR human health for the ingestion of fish), daily maximum limitations have been established in this NPDES permit for certain priority pollutants because they are considered to be carcinogens, endocrine disruptors, and/or bioaccumulative.

- e. **Mass-based limits.** 40 CFR § 122.45(f)(1) requires that, except under certain conditions, or for certain pollutants, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR § 122.45(f)(2) allows the permit writer, at his/her discretion, to express limits in additional

units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

Generally, mass-based limits ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limits. Concentration-based effluent limits, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limits, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits for some constituents.

**Table F-8. Summary of WQBELs for Discharge Point 001**

<b>Parameter</b>	<b>Units</b>	<b>Average Monthly</b>	<b>Maximum Daily</b>
Ammonia Nitrogen (ELS Present)	mg/L	3.0	6.1
Ammonia Nitrogen (ELS Present)	lbs/day	375	760
Ammonia Nitrogen (ELS Absent)	mg/L	3.9	7.9
Ammonia Nitrogen (ELS Absent)	lbs/day	490	988
Nitrate + Nitrite as N	mg/L	8	---
Nitrate + Nitrite as N	lbs/day	1000	---
Nitrite as N	mg/L	1	---
Nitrite as N	lbs/day	125	---
Methylene blue active substances (MBAS)	mg/L	0.5	---
MBAS	lbs/day	60	---
Lead (wet weather)	mg/L	---	166
Selenium (dry weather)	mg/L	4.7	6.2
Silver	µg/L	4.2	15
Silver	lbs/day	0.53	1.9
Dieldrin	mg/L	0.00014	0.00028
Dieldrin	lbs/day	0.000017	0.000035

Parameter	Units	Average Monthly	Maximum Daily
Total trihalomethanes	µg/L	80	---
Total trihalomethanes	lbs/day	10	---
Chronic Toxicity <i>Ceriodaphnia dubia</i> Survival and reproduction endpoints	Pass or Fail, % Effect (TST)	Pass	Pass or % Effect <50

#### 4.3.6. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) testing protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short period and measures mortality. A chronic toxicity test is conducted over a longer period and may measure mortality, reproduction, and growth. Chronic toxicity is a more stringent requirement than acute toxicity. A chemical at a low concentration can have chronic effects but no acute effects until it gets to the higher level.

The effluent limitations for chronic toxicity were established because there is reasonable potential for the pollutants to be present in the Pomona WRP discharge at levels that would cause or contribute to a violation of water quality standard for chronic toxicity.

In the past, the State Water Board reviewed circumstances warranting a numeric chronic toxicity effluent limitation for POTWs when there is reasonable potential. (See SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions].) On September 16, 2003, at a public hearing, the State Water Board adopted Order No. 2003-0012 deferring the issue of numeric chronic toxicity effluent limitation for POTWs until a subsequent Phase of the SIP is adopted. In the meantime, the State Water Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the Long Beach and Los Coyotes WRP NPDES permits. The Pomona WRP's historic NPDES permit contained a similar narrative chronic toxicity effluent limitation, with a numeric trigger for accelerated monitoring, consistent with the State Water Board's precedential Order.

However, many facts have changed since the State Water Board adopted the Los Coyotes Order in 2003. Namely, the Los Angeles Water Board adopted the Calleguas Creek Toxicity TMDL containing a numeric WLA for chronic toxicity for the five POTWs located in that watershed; USEPA published two new guidance documents with respect to chronic toxicity; and the Los Angeles Water Board adopted NPDES permits for POTWs and industrial facilities incorporating the Test of Significant Toxicity (TST) statistical approach and effluent limitations for chronic toxicity. The Santa Ana Regional

Water Board also adopted an NPDES permit for a POTW incorporating TST-based effluent limitations for chronic toxicity. In addition to these factual developments, prior to the 2014 renewal of the Pomona WRP NPDES permit, the State Water Board had not adopted a revised policy that addresses chronic toxicity effluent limitations in NPDES permits for inland discharges, as anticipated by the Los Coyotes Order. Because the Los Coyotes Order explicitly “declined to make a determination ... regarding the propriety of the final numeric effluent limitations for chronic toxicity...,” (Los Coyotes Order, p. 9) and because of the differing facts before the Los Angeles Water Board in 2014 as compared to the facts that were the basis for the Los Coyotes Order in 2003, the Los Angeles Water Board concludes that the Los Coyotes Order does not require inclusion of narrative rather than numeric effluent limitations for chronic toxicity. Further, the Los Angeles Water Board finds that numeric effluent limitations for chronic toxicity are necessary, feasible, and appropriate. Thus, Order No. R4-2014-0212-A01, which served as the NPDES permit for the Pomona WRP, contained numeric chronic toxicity final effluent limitations expressed as Pass/ Fail and % Effect using the TST statistical approach.

On July 25, 2019, the State Water Board released the First Revised Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions (the ISWEBE Chronic Toxicity Provisions) for public comment.

On October 30, 2020, the State Water Board released the proposed final ISWEBE Toxicity Provisions and the Proposed Final Staff Report for the ISWEBE Toxicity Provisions. On November 9, 2020, the State Water Board released the Summary of Comments and Responses on Appendices J and K.

On November 25, 2020, the State Water Board submitted to USEPA a request for review and approval of the limited-use alternative test procedure (ATP) for the use of a one-effluent concentration when conducting whole effluent toxicity (WET) testing pursuant to 40 Code of Federal Regulations (CFR) part 136.5. The request is being sought for all dischargers or facilities in the State of California and their associated laboratories. Approval of this ATP will reduce laboratory and permittee’s expenses when using the TST statistical approach for analyzing the data. This ATP application is made independent of the outcome of the adoption process of the Toxicity Provisions, and subsequent U.S. EPA approval process. California requiring the use of the TST statistical approach does not alter promulgated requirements of the test method, such as specified biological and laboratory procedures (see sections below for a description of U.S. EPA Method Update Rule and U.S. EPA’s response). As has been affirmed by U.S. EPA, the TST statistical approach can be used with current U.S. EPA methods that require testing multiple concentrations of effluent. This ATP would provide significant cost savings for those existing permittees upon approval by USEPA.

On December 1, 2020, the State Water Board adopted statewide numeric water quality objectives for both acute and chronic toxicity and a program of implementation to control toxicity, which are collectively known as the Toxicity Provisions. The Provisions provide consistent protection of aquatic life beneficial uses in inland surface waters, enclosed bays, and estuaries throughout the state, and protect aquatic habitats and life from the effects of known and unknown toxicants. The Provisions will take effect upon approval by the California Office of Administrative Law for purposes of state law and upon approval by the U.S. EPA for purposes of federal law.

Because effluent data exhibited reasonable potential to cause or contribute to an exceedance of the water quality objective, this Order contains numeric chronic toxicity effluent limitations. Compliance with the chronic toxicity requirement contained in this Order shall be determined in accordance with sections 7.10. of this Order. This Order contains a reopener to allow the Los Angeles Water Board to modify the permit, if necessary, to make it consistent with any new policy, law, or regulation.

For this permit, chronic toxicity in the discharge is evaluated using the Test of Significant Toxicity (TST) hypothesis testing statistical approach. Chronic toxicity limitations are expressed as “Pass” for the median monthly effluent limitation (MMEL) and “Pass” and “<50% Effect” for each maximum daily effluent limitation (MDEL) individual result. The chronic toxicity effluent limitations are as stringent as necessary to protect the statewide Water Quality Objective for aquatic chronic toxicity.

The prior permit had based the WET final effluent limitations on the following:

- i. In January 2010, USEPA published a guidance document titled, “EPA Regions 8, 9 and 10 Toxicity Training Tool,” which among other things discusses permit limit expression for chronic toxicity. The document acknowledges that NPDES regulations at 40 CFR section 122.45(d) requires that all permit limitations be expressed, unless impracticable, as an Average Weekly Effluent Limitation (AWEL) and an Average Monthly Effluent Limitation (AMEL) for POTWs. Following Section 5.2.3 of the TSD, the use of an AWEL is not appropriate for WET. In lieu of an AWEL for POTWs, USEPA recommends establishing an MDEL for toxic pollutants and pollutants in water quality permitting, including WET. This is appropriate for two reasons. The basis for the average weekly requirement for POTWs derives from secondary treatment regulations and is not related to the requirement to assure achievement of water quality standards (WQS). Moreover, an average weekly requirement comprising of up to seven daily samples could average out daily peak toxic concentrations for WET and therefore, the discharge’s potential for causing acute and chronic effects would be missed. It is impracticable to use an AWEL because short-term spikes of toxicity levels that would be permissible under the 7-day average scheme would not be adequately protective of all beneficial uses. The MDEL is the highest allowable value

for the discharge measured during a calendar day or 24-hour period representing a calendar day. The AMEL is the highest allowable value for the average of daily discharges obtained over a calendar month. For WET, this is the average of individual WET test results for that calendar month. However, in cases where a chronic mixing zone is not authorized, USEPA Regions 9 and 10 continue to recommend that the AMEL for chronic WET should be expressed as a median monthly limit (MMEL).

- ii. In June 2010, USEPA published a guidance document titled, *Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, June 2010), in which they recommend the following: “Permitting authorities should consider adding the TST statistical approach to their implementation procedures for analyzing valid WET data for their current NPDES WET Program.” The TST statistical approach is another statistical option for analyzing valid WET test data. Use of the TST statistical approach does not result in any changes to EPA’s WET test methods. Section 9.4.1.2 of the USEPA’s *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002), recognizes that, “the statistical methods in this manual are not the only possible methods of statistical analysis.” The TST statistical approach can be applied to acute (survival) and chronic (sublethal) endpoints and is appropriate to use for both freshwater and marine EPA WET test methods.
- iii. USEPA’s WET testing program and acute and chronic WET methods rely on the measurement result for a specific test endpoint, not upon achievement of specified concentration-response patterns to determine toxicity. USEPA’s WET methods do not require achievement of specified effluent or ambient concentration-response patterns prior to determining that toxicity is present. See, Supplementary Information in support of the Final Rule establishing WET test methods at 67 Fed. Reg. 69952, 69963, November 19, 2002. Nevertheless, USEPA’s acute and chronic WET methods require that effluent and ambient concentration-response patterns generated for multi-concentration acute and chronic toxicity tests be reviewed - as a component of test review following statistical analysis - to ensure that the calculated measurement result for the toxicity test is interpreted appropriately. (EPA-821-R-02-012, section 12.2.6.2; EPA-821-R-02-013, section 10.2.6.2.). In 2000, USEPA provided guidance for such reviews to ensure that test endpoints for determining toxicity based on the statistical approaches utilized at the time the guidance was written (NOEC, LC50’s, IC25’s) were calculated appropriately (EPA 821-B-00-004).
- iv. USEPA designed its 2000 guidance as a standardized step-by step review process that investigates the causes for 10 commonly observed concentration-response patterns and provides for the proper interpretation of the test endpoints derived from these patterns for NOECs, LC50s, and IC25s, thereby reducing the number of misclassified test results. The



guidance provides one of three determinations based on the review steps: (1) that calculated effect concentrations are reliable and should be reported, (2) that calculated effect concentrations are anomalous and should be explained, or (3) that the test was inconclusive and should be repeated with a newly collected sample. The standardized review of the effluent and receiving water concentration-response patterns provided by USEPA's 2000 guidance decreased discrepancies in data interpretation for NOEC, LC50, and IC25 test results, thereby lowering the chance that a truly nontoxic sample would be misclassified and reported as toxic.

- v. Appropriate interpretation of the measurement result from USEPA's TST statistical approach (pass/fail) for effluent and receiving water samples is, by design, independent from the concentration-response patterns of the toxicity tests for those samples. Therefore, when using the TST statistical approach, application of USEPA's 2000 guidance on effluent and receiving waters concentration-response patterns will not improve the appropriate interpretation of TST results as long as all Test Acceptability Criteria and other test review procedures - including those related to Quality Assurance for effluent and receiving water toxicity tests, reference toxicity tests, and control performance (mean, standard deviation, and coefficient of variation) - described by the WET test methods manual and TST guidance, are followed. The 2000 guidance may be used to identify reliable, anomalous, or inconclusive concentration-response patterns and associated statistical results to the extent that the guidance recommends review of test procedures and laboratory performance already recommended in the WET test methods manual. The guidance does not assist in interpreting single-concentration (IWC) and control statistical t-tests and does not apply to the statistical assumptions on which the TST is based. The Los Angeles Water Board will not consider a concentration-response pattern as sufficient basis to determine that a TST t-test result for a toxicity test is anything other than valid, absent other evidence. In a toxicity laboratory, unexpected concentration-response patterns should not occur with any regular frequency and consistent reports of anomalous or inconclusive concentration-response patterns or test results that are not valid will require an investigation of laboratory practices.
- vi. Any Data Quality Objectives or Standard Operating Procedure used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent or receiving water toxicity test measurement results from the TST statistical approach which include a consideration of concentration-response patterns and/or PMSDs must be submitted for review by the Los Angeles Water Board, in consultation with USEPA and the State Water Board's Quality Assurance Officer and Environmental Laboratory Accreditation Program (40 CFR section 122.41(h)). As described in the bioassay laboratory audit directives to the San Jose Creek Water Quality Laboratory from the State Water Resources Control Board dated August 7, 2014, and from the USEPA dated December 24,

2013, the PMSD criteria only apply to compliance for NOEC and the sublethal endpoints of the NOEC, and therefore are not used to interpret TST results.

#### **4.4. Final Effluent Limitation Considerations**

##### **4.4.1. Anti-Backsliding Requirements**

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. The effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order, with the exception of effluent limitations for bis(2-ethylhexyl)phthalate. The effluent limitations for this pollutant are less stringent than those in the previous Order. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations because the effluent no longer has reasonable potential to exceed the water quality objective for bis(2-ethylhexyl)phthalate.

##### **Bis(2-ethylhexyl)phthalate: Attainment Water**

The final effluent limitations for bis(2-ethylhexyl)phthalate were included in the previous Order but were removed in this Order because, based on the most recent monitoring data, the pollutant did not exhibit reasonable potential to cause or contribute to an exceedance of the applicable water quality criteria.

Section 402(o)(2) of the CWA provides statutory exceptions to the general prohibition of backsliding contained in 402(o)(1). One of these exceptions allows backsliding if, "information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance." The reasonable potential analysis using the updated monitoring data justifies the removal of the effluent limitations for bis(2-ethylhexyl)phthalate based on this exception as long as the cumulative effect of removing the limits results in a decrease in the amount of pollutants discharged into the receiving water. The reasonable potential analysis process focuses on the pollutants with the potential to cause an exceedance of the water quality criteria in the receiving water, and thus results in an overall decrease in the mass of pollutants discharged into the receiving water. The potential for a final effluent limitation to be removed if there is no reasonable potential for the pollutant to cause or contribute to an exceedance of the water quality objective provides an incentive to the discharger to reduce the pollutant load in its discharge, and thus results in an overall decrease in the amount of pollutants discharged into the receiving water. The removal of effluent limitations for this pollutant is thus consistent with the anti-backsliding requirements of the CWA and federal regulations.

In addition, section 303(d)(4)(B) of the CWA allows for a relaxation of effluent limitations where the quality of the receiving water equals or exceeds the

levels necessary to protect the designated beneficial uses of the receiving water or otherwise required by applicable water quality standards, if the revision is subject to and consistent with the State's Antidegradation Policy. South Fork San Jose Creek and its downstream receiving waters are not impaired for bis(2-ethylhexyl)phthalate. As described below in section 4.4.2, relaxation or removal of effluent limitations for this pollutant is consistent with the state and federal antidegradation policies. Therefore, the exception to the prohibition on relaxation of effluent limitations found in section 303(d)(4)(B) allows the removal of the effluent limitations.

#### 4.4.2. Antidegradation Policies

40 CFR § 131.12 requires that state water quality standards include an antidegradation policy consistent with the federal antidegradation policy. On October 28, 1968, the State Water Board established California's antidegradation policy when it adopted Resolution No. 68-16, *Statement of Policy with Respect to Maintaining the Quality of the Waters of the State*. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The State Water Board has, in State Water Board Order No. 86-17 and an October 7, 1987 guidance memorandum, interpreted Resolution No. 68-16 to be fully consistent with the federal antidegradation policy contained in 40 CFR section 131.12. Similarly, CWA section 303(d)(4)(B) and 40 CFR section 131.12 require that all permitting actions be consistent with the federal antidegradation policy. Together, the state and federal antidegradation policies are designed to ensure that a water body will not be degraded resulting from the permitted discharge. The Los Angeles Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies.

Effluent limitations for bis(2-ethylhexyl)phthalate are not included in this Order because monitoring data demonstrated that there is no reasonable potential for the discharge to cause or contribute to an exceedance of the water quality standard for the pollutant. Monitoring for this pollutant in the effluent and receiving water continue to be required under this Order. As such, the discharges in this Order are consistent with the antidegradation provisions of 40 CFR part 131.12 and State Water Board Resolution No. 68-16 for bis(2-ethylhexyl)phthalate because the discharge will not degrade the receiving water quality.

The renewal of the NPDES permit will not lower the surface water quality because the conditions in this Order are at least as stringent as the previous permit. There are no planned changes to the plant's treatment facilities or processes that would impact the concentrations of those constituents that have limitations in the discharged effluent. The Los Angeles Water Board may modify the terms of this Order to prevent degradation of high-quality waters based on any change in the concentration of these constituents in the effluent or receiving water that indicates that a degradation of receiving water quality

may occur. With respect to all of the discharges authorized herein, the treatment required by this Order is the best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained.

4.4.3. Stringency of Requirements for Individual Pollutants

This Order contains both TBELs and WQBELs for individual pollutants. The TBELs consist of restrictions on BOD, TSS, and percent removal of BOD and TSS. Restrictions on BOD, TSS, and percent removal of BOD and TSS are discussed in section 4.2. of the Fact Sheet. This Order’s technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are necessary to meet water quality standards.

Water quality-based effluent limitations have been scientifically derived to implement WQOs that protect beneficial uses. Both the beneficial uses and the WQOs have been approved or established (in the case of CTR criteria) pursuant to federal law and are the applicable federal water quality standards. The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR and SIP. All beneficial uses and WQOs contained in the Basin Plan or statewide water quality control plans were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the CWA” pursuant to 40 CFR section 131.21(c)(1). Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA and the applicable water quality standards for purposes of the CWA. The radioactivity effluent limitations for Combined Radium-226 and Radium 228; Gross Alpha particle activity (excluding radon and uranium); Uranium; Gross Beta/photon emitters; Strontium-90; and, Tritium are derived from Title 22, chapter 15, article 5, sections 64442 and 64443, of the California Code of Regulations (CCR). The incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect.

**Table F-9. Summary of Final Effluent Limitations for Discharge Point 001**

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Basis
BOD <sub>5</sub> 20°C	mg/L	20	30	45	Existing/ TBEL
BOD <sub>5</sub> 20°C	lbs/day	2,500	3,800	5,600	Existing/ TBEL
TSS	mg/L	15	40	45	Existing/ TBEL

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Basis
TSS	lbs/day	1,900	5,000	5,600	Existing/ TBEL
Temperature	°F	---	---	80	Basin Plan (BP)
Removal Efficiency for BOD and TSS	%	≥85	---	---	Existing/ TBEL
Oil and Grease	mg/L	10	--	15	Existing/ TBEL
Oil and Grease	lbs/day	1,300	--	1,900	Existing/ TBEL
Settleable Solids	ml/L	0.1	--	0.3	Existing/ BPJ
Total Residual Chlorine	mg/L	--	--	0.1	Existing/ BP
Combined Radium-226 and Radium-228	pCi/L	5	--	--	Existing/ Title 22
Gross Alpha particle activity	pCi/L	15	--	--	Existing/ Title 22 (Note a)
Uranium	pCi/L	20	--	--	Existing/ Title 22
Gross Beta/photon emitters	millirem/year	4	--	--	Existing/ Title 22
Strontium-90	pCi/L	8	--	--	Existing/ Title 22
Tritium	pCi/L	20,000	--	--	Existing/ Title 22
Total dissolved solids (TDS)	mg/L	750	--	--	Existing/ BP
TDS	lbs/day	93,800	---	---	Existing
Sulfate	mg/L	300	---	---	Existing/ BP
Sulfate	lbs/day	3,800	--	--	Existing
Chloride	mg/L	180	---	---	Existing/ BP
Chloride	lbs/day	23,000	--	--	Existing
Boron	mg/L	1.0	--	--	Existing/ BP
Boron	lbs/day	125	--	--	Existing
Ammonia Nitrogen (ELS Present)	mg/L	3	--	6.1	BP
Ammonia Nitrogen (ELS Present)	lbs/day	375	--	760	Calculation

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Basis
Ammonia Nitrogen (ELS Absent)	mg/L	3.9	--	7.9	BP
Ammonia Nitrogen (ELS Absent)	lbs/day	490	--	988	Calculation
Nitrate + Nitrite as N	mg/L	8	---	---	BP
Nitrate + Nitrite as N	lbs/day	1000	---	---	Calculation
Nitrite as N	mg/L	1	--	--	BP
Nitrite as N	lbs/day	125	--	--	Calculation
MBAS	mg/L	0.5	--	--	Existing/ BP
MBAS	lbs/day	60	--	--	Existing
Lead (wet weather)	µg/L	---	--	166	TMDL
Selenium (dry weather)	µg/L	4.7	--	6.2	TMDL
Silver	µg/L	4.2	---	15	CTR
Silver	lbs/day	0.53	---	1.9	CTR
Total trihalomethanes (TTHMs)	µg/L	80	---	---	Existing/ BP
TTHMs	lbs/day	10	---	---	Existing
Dieldrin	µg/L	0.00014	--	0.00028	CTR
Dieldrin	lbs/day	0.000017	---	0.000035	Calculation
Chronic Toxicity <i>Ceriodaphnia dubia</i> Survival and reproduction endpoints	Pass or Fail, %Effect	Pass	--	Pass or %Effect <50	TST & USEPA Guidance

**Footnote for Table F-9**

- a. Gross Alpha particle activity excludes radon and uranium.

**End of Footnote for Table F-9**

**4.5. Interim Effluent Limitations**

The Pomona WRP will be subject to a compliance schedule for the final effluent limitation for temperature of 80°F, as described further in section 6.2.7 of this Fact Sheet. Since that compliance schedule exceeds one year, the Order

includes an interim effluent limitation for temperature of 86°F, except as a result of external ambient temperature.

#### **4.6. Land Discharge Specifications – Not Applicable**

#### **4.7. Recycling Specifications**

The Permittee shall continue to investigate the feasibility of recycling, conservation, and/or alternative disposal methods for wastewater (such as groundwater injection), and/or beneficial use of storm water and dry-weather urban runoff. The Permittee shall submit an update to this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal.

### **5. RATIONALE FOR RECEIVING WATER LIMITATIONS**

#### **5.1. Surface Water**

Receiving water limitations are based on WQOs contained in the Basin Plan and applicable statewide water quality control plans and are a required part of this Order.

#### **5.2. Groundwater**

Limitations in this Order must protect not only surface receiving water beneficial uses, but also the beneficial uses of underlying groundwater where there is a groundwater recharge (GWR) beneficial use of the surface water. In addition to a discharge to surface water, the discharge may impact groundwater. Sections of the South Fork San Jose Creek and the San Gabriel River, near the Pomona WRP discharge point, are designated with the GWR beneficial use. Surface water from the South Fork San Jose Creek percolates into the San Gabriel Valley Groundwater Basin with MUN beneficial use specified in the Basin Plan. Since groundwater from the Basin is used to provide drinking water to the community, the groundwater aquifers must be protected.

The issue of using MCLs as the basis for establishing final effluent limitations in an NPDES permit, to protect the GWR beneficial use of surface waters and the MUN beneficial use of the groundwater basins, has been addressed by the State Water Board in its WQO No. 2003-0009, in the *Matter of the Petitions of County Sanitation District No. 2 of Los Angeles and Bill Robinson for Review of Waste Discharge Requirements Order No. R4-2002-0142 and Time Schedule Order No. R4-2002-0143 for the Whittier Narrows Water Reclamation Plant*. The groundwater recharge (GWR) beneficial use is premised on a hydrologic connection between surface waters and groundwater, where the groundwater in this case is designated with an existing MUN beneficial use. Since there are no criteria or objectives specific to the GWR beneficial use, the Los Angeles Water Board's Basin Plan, staff based effluent limitations for the GWR use on the groundwater MUN objectives. By doing so, the Los Angeles Water Board ensures that the use of surface waters to recharge groundwater used as an existing drinking water source is protected. The fact that there are no criteria or objectives specific to the GWR beneficial use does not deprive the Los Angeles

Water Board the ability to protect the use. The CWA contemplates enforcement of both beneficial uses as well as criteria in state water quality standards. In California, an NPDES permit also serves as waste discharge requirements under state law.

Reasonable potential analysis was conducted using new data. The analysis showed that the discharge has reasonable potential to exceed the primary MCL for total trihalomethanes, therefore, a limit is included in the permit for this pollutant. The effluent limitation is expressed as a monthly average rather than a daily maximum because it was assumed that the groundwater basins have assimilative capacity for these pollutants. The monthly averaging period is justified because these pollutants are not expected to produce acute effects. Since the discharge has reasonable potential to exceed the MCL, an end-of-pipe final effluent limitation for this pollutant is needed.

## 6. RATIONALE FOR PROVISIONS

### 6.1. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Sections 122.41(a)(1) and (b) through (n) of 40 CFR 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 CFR allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR section 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

### 6.2. Special Provisions

#### 6.2.1. Reopener Provisions

These provisions are based on 40 CFR part 123. The Los Angeles Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or Los Angeles Water Board, including revisions to the Basin Plan.

#### 6.2.2. Special Studies and Additional Monitoring Requirements

- a. **Antidegradation Analysis and Engineering Report for Any Proposed Plant Expansion.** This provision is based on the State Water Board



Resolution No. 68-16, which requires the Los Angeles Water Board in regulating the discharge of waste to maintain high quality waters of the state. The Permittee must demonstrate that it has implemented adequate controls (e.g., adequate treatment capacity) to ensure that high quality waters will be maintained. This provision requires the Permittee to submit a report to the Los Angeles Water Board for approval for any proposed plant expansion with specific time schedules. In case the Discharger is seeking to obtain alternative effluent limitations for the discharge from the new treatment system(s), the Discharger must demonstrate that the plant capacity has increased through the addition of new treatment system(s) and has implemented adequate controls to ensure not to degrade water quality of the receiving waters.

- b. **Operations Plan for Proposed Expansion.** This provision is based on section 13385(j)(1)(D) of the Water Code and allows a time period not to exceed 90 days in which the Permittee may adjust and test the treatment system(s). This provision requires the Permittee to submit an Operations Plan describing the actions the Permittee will take during the period of adjusting and testing to prevent violations.
- c. **Treatment Plant Capacity.** The treatment plant capacity study required by this Order shall serve as an indicator for the Los Angeles Water Board regarding Facility's increasing hydraulic capacity and growth in the service area.

#### 6.2.3. Best Management Practices and Pollution Prevention

- a. **Pollution Minimization Program (PMP).** This provision is based on the requirements of section 2.4.5 of the SIP.

#### 6.2.4. Construction, Operation, and Maintenance Specifications

This provision is based on the requirements of 40 CFR section 122.41(e) and the previous order.

#### 6.2.5. Special Provisions for Publicly-Owned Treatment Works (POTWs)

- a. **Biosolids Requirements.** To implement CWA section 405(d), on February 19, 1993, USEPA promulgated 40 CFR part 503 to regulate the use and disposal of municipal sewage sludge. This regulation was amended on September 3, 1999. The regulation requires that producers of sewage sludge meet certain reporting, handling, and disposal requirements. It is the responsibility of the Permittee to comply with said regulations that are enforceable by USEPA, because California has not been delegated the authority to implement this program. The Permittee is also responsible for compliance with WDRs and NPDES permits for the generation, transport and application of biosolids issued by the State Water Board, other Los Angeles Water Boards, Arizona Department of Environmental Quality or USEPA, to whose jurisdiction the Facility's biosolids will be transported and applied.

- b. **Pretreatment Requirements.** This permit contains pretreatment requirements consistent with applicable effluent limitations, national standards of performance, and toxic and performance effluent standards established pursuant to sections 208(b), 301, 302, 303(d), 304, 306, 307, 403, 404, 405, and 501 of the CWA, and amendments thereto. This permit contains requirements for the implementation of an effective pretreatment program pursuant to section 307 of the CWA; 40 CFR 35 and 403; and/or Title 23, CCR section 2233.
- c. **Filter Bypass Requirements.** Conditions pertaining to bypass are contained in Attachment D, Section I. Standard Provisions – Permit Compliance, subsection G. The bypass or overflow of untreated or partially treated wastewater to waters of the State is prohibited, except as allowed under conditions stated in 40 CFR section 122.41(m) and (n). During periods of elevated, wet weather flows, a portion of the secondary treated wastewater is diverted around the tertiary filters. These anticipated discharges are approved under the bypass conditions when the resulting combined discharge of fully treated (tertiary) and partially treated (secondary) wastewater complies with the effluent and receiving water limitations in this Order.
- d. **Spill Reporting Requirements.** This Order established a reporting protocol for how different types of spills, overflow or bypasses of raw or partially treated sewage from its collection system or treatment plant covered by this Order shall be reported to regulatory agencies.

The State Water Board issued General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order 2006-0003-DWQ (SSS WDRs) on May 2, 2006. The Monitoring and Reporting Requirements for the SSS WDRs were amended by Water Quality Order WQ 2008-0002-EXEC on February 20, 2008. The SSS WDRs requires public agencies that own or operate sanitary sewer systems with greater than one mile of pipes or sewer lines to enroll for coverage under the SSS WDRs. The SSS WDRs requires agencies to develop sanitary sewer management plans (SSMPs) and report all sanitary sewer overflows (SSOs), among other requirements and prohibitions.

Furthermore, the SSS WDRs contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. Inasmuch that the Permittee's collection system is part of the system that is subject to this Order, certain standard provisions are applicable as specified in Provisions, section 6.3.5. For instance, the 24-hour reporting requirements in this Order are not included in the SSS WDRs. The Permittee must comply with both the SSS WDRs and this Order. The Permittee and public agencies that are discharging wastewater into the Facility were required to obtain enrollment for regulation under the SSS WDRs by December 1, 2006.

In the past, the region has experienced loss of recreational use at coastal beaches as a result of major sewage spills. The SSO requirements are intended to prevent or minimize impacts to receiving waters as a result of spills.

6.2.6. Other Special Provisions (Not Applicable)

6.2.7. Compliance Schedules

In general, an NPDES permit must include final effluent limitations that are consistent with CWA section 301 and with 40 CFR section 122.44(d). There are exceptions to this general rule. State Water Board Resolution 2008-0025 - Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy) allows compliance schedules for new, revised, or newly interpreted WQOs or criteria, or in accordance with a TMDL. All compliance schedules must be as short as possible and may not exceed ten years from the effective date of the adoption, revision, or new interpretation of the applicable WQO or criterion, unless a TMDL allows a longer schedule. Any compliance schedule must be as short as possible. Where a compliance schedule for a final effluent limitation exceeds one year, the Order must include interim numeric effluent limitations for that constituent or parameter, interim requirements and dates toward achieving compliance, and compliance reporting within 14 days after each interim date. The Order may also include interim requirements to control the pollutant, such as pollutant minimization and source control measures. This Order includes the following compliance schedule to comply with the newly interpreted effluent and receiving water limitations for temperature.

**Table F-10. Compliance Schedule & Milestone Dates**

<b>Task</b>	<b>Completion Date</b>
Submit and Begin Implementation of Pollution Prevention Plan (PPP) Source Control	October 1, 2021
Release the Request for Proposal to Retain Consultant to Evaluate Temperature Impacts in the Watershed and Management Options	July 31, 2022
Finalize a Technical Workplan	July 31, 2023
Prepare a Technical Workplan Progress Report	July 31, 2024
Complete Implementation of Technical Workplan	July 31, 2025
Select Preferred Project and Begin Potential Regulatory Approval Process	May 1, 2026
Begin Preliminary Design	July 31, 2026
Complete Preliminary Design	July 31, 2027
Complete Environmental Review	July 31, 2028

Task	Completion Date
Design Preferred Project	July 31, 2029
Issue Notice to Proceed for Project Work	July 31, 2030
Complete Preferred Project	July 31, 2031

**7. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS**

CWA section 308 and 40 CFR 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 also authorize the Los Angeles Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program (MRP), Attachment E of this Order establishes monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

**7.1. Influent Monitoring**

Influent Monitoring is required:

- To determine compliance with the permit conditions for BOD<sub>5</sub>20°C and suspended solids removal rates.
- To assess treatment plant performance.
- To assess the effectiveness of the Pretreatment Program.
- As a requirement of the PMP.

**7.2. Effluent Monitoring**

The Permittee is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are given in the MRP Attachment E. This provision requires compliance with the MRP, and is based on 40 CFR sections 122.44(i), 122.62, 122.63, and 124.5. The MRP is a standard requirement in almost all NPDES permits (including this Order) issued by the Los Angeles Water Board. In addition to containing definition of terms, it specifies general sampling/analytical protocols and the requirements of reporting spills, violation, and routine monitoring data in accordance with NPDES regulations, the Water Code, and Los Angeles Water Board policies. The MRP also contains sampling program specific for the Permittee’s wastewater treatment plant. It defines the sampling stations and frequency, pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all pollutants for which effluent limitations are specified. Further, in accordance with section 1.3 of the SIP, a periodic monitoring is required for all priority pollutants defined by the CTR, for which criteria apply and for which no effluent limitations have been established, to

evaluate reasonable potential to cause or contribute to an excursion above a water quality standard.

Monitoring for those pollutants expected to be present in the discharge from the Facility, will be required as set forth in the MRP and as required in the SIP. Semi-annual monitoring for priority pollutants in the effluent is required in accordance with the Pretreatment requirements.

The accelerated chronic toxicity monitoring, which served as an indicator of persistent toxicity, was not included in the 2021 permit, so that the Discharger may initiate a Toxicity Reduction Evaluation (TRE) sooner than in the 2014 permit. On occasions when the toxicity was intermittent, the accelerated monitoring step delayed the initiation of the TRE, such that when the TRE was initiated, the effluent no longer exhibited toxicity, and subsequently, the cause of toxicity could not be identified. In the 2021 permit, a TRE would be initiated following two consecutive chronic toxicity violations.

The monitoring for fecal coliform was removed because the monitoring results from E. coli testing are indicative of the presence of fecal coliform.

**Table F-11. Monitoring Frequency Comparison**

<b>Parameter</b>	<b>Monitoring Frequency (2014 Permit)</b>	<b>Monitoring Frequency (2021 Permit)</b>
Total waste flow	Continuous	Continuous
Total residual chlorine	Daily	Daily
Turbidity	Continuous	Continuous
Temperature	Weekly	Weekly
pH	Weekly	Weekly
Settleable solids	Weekly	Weekly
Total suspended solids	Weekly	Weekly
Oil and grease	Quarterly	Quarterly
BOD <sub>5</sub> 20°C	Weekly	Weekly
Dissolved Oxygen	Monthly	Monthly
Total coliform	Weekly	Weekly
Fecal Coliform	Weekly	---
E. coli	Weekly	Weekly
Total Dissolved Solids	Monthly	Monthly
Sulfate	Monthly	Monthly
Chloride	Monthly	Monthly

<b>Parameter</b>	<b>Monitoring Frequency (2014 Permit)</b>	<b>Monitoring Frequency (2021 Permit)</b>
Boron	Monthly	Monthly
Fluoride	Semiannually	Semiannually
MBAS	Quarterly	Quarterly
CTAS	Quarterly	Quarterly
Ammonia nitrogen	Monthly	Monthly
Nitrate + nitrite (as nitrogen)	Monthly	Monthly
Nitrate nitrogen	Monthly	Monthly
Nitrite nitrogen	Monthly	Monthly
Organic nitrogen	Monthly	Monthly
TKN	Monthly	Monthly
Total nitrogen	Monthly	Monthly
Orthophosphate as P	Quarterly	Quarterly
Total Phosphorus	Quarterly	Quarterly
Hardness (CaCO <sub>3</sub> )	Monthly	Monthly
Radioactivity	Semiannually	Semiannually
Chronic toxicity	Monthly	Monthly
Arsenic	Quarterly	Semiannually
Cadmium	Quarterly	Semiannually
Copper	Quarterly	Quarterly
Lead	Monthly	Monthly
Nickel	Quarterly	Semiannually
Selenium	Monthly	Monthly
Silver	Quarterly	Monthly
Iron	Quarterly	Quarterly
Mercury	Quarterly	Semiannually
Cyanide	Quarterly	Semiannually
Zinc	Quarterly	semiannually
Bromoform	Monthly	Monthly

Parameter	Monitoring Frequency (2014 Permit)	Monitoring Frequency (2021 Permit)
Chloroform	Monthly	Monthly
Dibromochloromethane	Monthly	Monthly
Bromodichloromethane	Monthly	Monthly
Total trihalomethanes	Monthly	Monthly
Bis(2-ethylhexyl) phthalate	Monthly	Quarterly
Dieldrin	Semiannually	Quarterly
PCBs as Aroclors	Annually	Annually
PCBs as congeners	Annually	Annually
2,3,7,8-TCDD	Quarterly	Semiannually
N-Nitrosodimethylamine (NDMA)	Semiannually	Semiannually
Chlorpyrifos	Quarterly	Annually
Diazinon	Quarterly	Annually
Methyl tert butyl ether (MTBE)	Annually	Annually
perchlorate	Annually	Annually
1,4-dioxane	Annually	Annually
1,2,3-trichloropropane	Annually	Annually
Remaining USEPA Priority Pollutants	Semiannually	Semiannually

### 7.3. Whole Effluent Toxicity Testing Requirements

WET testing protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a short or longer period and may measure mortality, reproduction, and growth. Chronic toxicity is a more stringent requirement than acute toxicity. A chemical at a low concentration can have chronic effects but no acute effects until it gets to the higher level. For this permit, chronic toxicity in the discharge is evaluated using the TST hypothesis testing statistical approach. The chronic toxicity effluent limitations are as stringent as necessary to protect the statewide Water Quality Objective for aquatic chronic toxicity. The rationale for WET has been discussed extensively in section 4.3.6. of this Fact Sheet.

#### **7.4. Receiving Water Monitoring**

##### 7.4.1. Surface Water

Receiving water monitoring is required to determine compliance with receiving water limitations and to characterize the water quality of the receiving water.

##### 7.4.2. Groundwater – (Not Applicable)

#### **7.5. Other Monitoring Requirements**

##### 7.5.1. Watershed and Bioassessment Monitoring

The goals of the watershed-wide monitoring program, including the bioassessment monitoring, for the San Gabriel River Watershed are to:

- Determine compliance with receiving water limits;
- Monitor trends in surface water quality;
- Ensure protection of beneficial uses;
- Provide data for modeling contaminants of concern;
- Characterize water quality including seasonal variation of surface waters within the watershed
- Assess the health of the biological community; and
- Determine mixing dynamics of effluent and receiving waters in the estuary.

##### 7.5.2. Discharge Monitoring Report-Quality Assurance (DMR-QA) Study Program

Under the authority of section 308 of the CWA (33 U.S.C. § 1318), USEPA requires major and selected minor dischargers under the NPDES Program to participate in the annual DMR-QA Study Program. The DMR-QA Study evaluates the analytical ability of laboratories that routinely perform or support self-monitoring analyses required by NPDES permits. There are two options to satisfy the requirements of the DMR-QA Study Program: (1) The Discharger can obtain and analyze a DMR-QA sample as part of the DMR-QA Study; or (2) Per the waiver issued by USEPA to the State Water Board, the Discharger can submit the results of the most recent Water Pollution Performance Evaluation Study from its own laboratories or its contract laboratories. A Water Pollution Performance Evaluation Study is similar to the DMR-QA Study. Thus, it also evaluates a laboratory's ability to analyze wastewater samples to produce quality data that ensure the integrity of the NPDES Program. The Discharger shall ensure that the results of the DMR-QA Study or the results of the most recent Water Pollution Performance Evaluation Study are submitted annually to the State Water Board. The State Water Board's Quality Assurance Program Officer will send the DMR-QA Study results or the results of the most recent Water Pollution Performance Evaluation Study to USEPA's DMR-QA Coordinator and Quality Assurance Manager.



## 8. CONSIDERATION OF NEED TO PREVENT NUISANCE AND WATER CODE SECTION 13241 FACTORS

- 8.1. Need to prevent nuisance: The state law requirements in this Order are required to prevent pollution or nuisance as defined in section 13050, subdivisions (l) and (m), of the Water Code. Many are also required in accordance with narrative water quality objectives in the Basin Plan. These state requirements include, but are not limited to, groundwater limitations, spill prevention plans, operator certification, sanitary sewer overflow reporting, and requirements for standby or emergency power.
- 8.2. Past, present, and probable future beneficial uses of water: Chapter 2 of the Basin Plan identifies designated beneficial uses for water bodies in the Los Angeles Region. Beneficial uses of water relevant to this Order are also identified above in Section 3.3.
- 8.3. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto: The environmental characteristics are discussed in the Region's Watershed Management Initiative Chapter, as well as available in State of the Watershed reports and the State's CWA Section 303(d) List of impaired waters. The environmental characteristics of the hydrographic unit, including the quality of available water, will be improved by compliance with the requirements of this Order. Additional information on the San Gabriel River Watershed is available at [http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/regional\\_program/Water\\_Quality\\_and\\_Watersheds/ws\\_sangabriel.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/regional_program/Water_Quality_and_Watersheds/ws_sangabriel.shtml).
- 8.4. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area: Water quality conditions sufficient to protect the beneficial uses of the waterbodies in the San Gabriel River Watershed can reasonably be achieved through the coordinated control of all factors that affect water quality in the area. TMDLs have been developed (as required by the CWA) for many of the impairments in the watershed. A number of Los Angeles Water Board programs and actions are in place to address the water quality impairments in the watershed, including regulation of point source municipal and industrial discharges with appropriate NPDES permits and non-point source discharges such as irrigated agriculture. All these regulatory programs control the discharge of pollutants to surface and ground waters to prevent nuisance and protect beneficial uses. These regulatory programs have resulted in watershed solutions and have improved water quality. Generally, improvements in the quality of the receiving waters impacted by the permittee's discharges can be achieved by reducing the volume of discharges to receiving waters (e.g., through increased recycling), reducing pollutant loads through source control/pollution prevention, including operational source control such as public education (e.g., disposal of pesticides, pharmaceuticals, and personal care products into the sewer) and product or materials elimination or substitution, and removing pollutants through treatment.

- 8.5. Economic considerations: The Permittee did not present any evidence regarding economic considerations related to this Order. However, the Regional Water Board has considered the economic impact of requiring certain provisions pursuant to state law. The additional costs associated with complying with state law requirements are reasonably necessary to prevent nuisance and protect beneficial uses identified in the Basin Plan. Further, the loss of, or impacts to, beneficial uses would have a detrimental economic impact. Economic considerations related to costs of compliance are therefore not sufficient, in the Los Angeles Water Board's determination, to justify failing to prevent nuisance and protect beneficial uses.
- 8.6. Need for developing housing within the region: The Los Angeles Water Board does not anticipate that these state law requirements will adversely impact the need for housing in the area. The region generally relies on imported water to meet many of its water resource needs. Imported water makes up a vast majority of the region's water supply, with local groundwater, local surface water, and reclaimed water making up the remaining amount. This Order helps address the need for housing by controlling pollutants in discharges, which will improve the quality of local surface and ground water, as well as water available for recycling and reuse. This in turn may reduce the demand for imported water thereby increasing the region's capacity to support continued housing development. A reliable water supply for future housing development is required by law, and with less imported water available to guarantee this reliability, an increase in local supply is necessary. Therefore, the potential for developing housing in the area will be facilitated by improved water quality.
- 8.7. Need to develop and use recycled water: The State Water Board's Recycled Water Policy requires the Los Angeles Water Boards to encourage the use of recycled water. In addition, as discussed immediately above, a need to develop and use recycled water exists within the region, especially during times of drought. To encourage recycling, the Permittee is required by this Order to continue to explore the feasibility of recycling to maximize the beneficial reuse of tertiary treated effluent.

## **9. PUBLIC PARTICIPATION**

The Los Angeles Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the Pomona WRP. As a step in the WDR adoption process, the Los Angeles Water Board staff has developed tentative WDRs and has encouraged public participation in the WDR adoption process.

### **9.1. Notification of Interested Parties**

The Los Angeles Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided by posting a copy of the notice at the entrance of the Pomona WRP, 295 Humane Way, Pomona, CA 91766. Interested agencies and persons are also notified through a transmittal email to the Discharger, being included in the

email transaction, for the Los Angeles Water Board's intention to prescribe WDRs for the discharge.

The public had access to the agenda and any changes in dates and locations through the Los Angeles Water Board's website at <http://www.waterboards.ca.gov/losangeles/>.

## 9.2. Written Comments

Interested persons were invited to submit written comments concerning tentative WDRs as provided through the notification process. Comments were due either in person or by mail to the Executive Office at the Los Angeles Water Board at the address on the cover page of this Order, or by email submitted to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov).

To be fully responded to by staff and considered by the Los Angeles Water Board, the written comments were due at the Los Angeles Water Board office by **5:00 p.m. on May 14, 2021**.

## 9.3. Public Hearing

The Los Angeles Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: June 10, 2021

Time: 9:00 a.m.

Location: No Physical Meeting Location

Authorized by and in furtherance of Executive Orders N-29-20 and N-33-20. As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, this meeting will occur solely via remote presence.

Interested persons were invited to attend. At the public hearing, the Los Angeles Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

For those who only wish to watch the meeting, the customary English webcast remains available at <https://cal-span.org> and should be used unless you intend to comment.

For those who only wish to watch the meeting with Spanish translation additional information about viewing the Spanish webcast via the remote meeting solution is available here:

[https://www.waterboards.ca.gov/losangeles/board\\_info/remote\\_meeting/SpanishWebcast.pdf](https://www.waterboards.ca.gov/losangeles/board_info/remote_meeting/SpanishWebcast.pdf)

For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available here:

[https://us02web.zoom.us/webinar/register/WN\\_NoTrNuRVT5mBthyV5OAIJw](https://us02web.zoom.us/webinar/register/WN_NoTrNuRVT5mBthyV5OAIJw)

For those who wish to follow the Board meeting agenda on Twitter. The feed is available on the Board meeting day: <https://twitter.com/RWQCB4>

#### **9.4. Review of Waste Discharge Requirements**

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with 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](mailto:waterqualitypetitions@waterboards.ca.gov)

For instructions on how to file a petition for review, see:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)

#### **9.5. Information and Copying**

The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address above by appointment between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Los Angeles Water Board at the address below or by calling (213) 576-6600.

Los Angeles Regional Water Quality Control Board

320 W. 4<sup>th</sup> Street, Suite 200

Los Angeles, CA 90013-2343

#### **9.6. Register of Interested Persons**

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

#### **9.7. Additional Information**

Requests for additional information or questions regarding this order should be directed to Veronica Cuevas at (213) 576-6662 or via email at

[Veronica.Cuevas@waterboards.ca.gov](mailto:Veronica.Cuevas@waterboards.ca.gov).

**ATTACHMENT G - TOXICITY REDUCTION EVALUATION (TRE) WORK PLAN**

1. Gather and Review Information and Data
  - 1.1. POTW Operations and Performance
  - 1.2. POTW Influent and Pretreatment Program
  - 1.3. Effluent Data, including Toxicity Results
  - 1.4. Sludge (Biosolids) Data
2. Evaluate Facility Performance
3. Conduct Toxicity Identification Evaluation (TIE)
4. Evaluate Sources and In-Plant Controls
5. Implement Toxicity Control Measures
6. Conduct Confirmatory Toxicity Testing

## **ATTACHMENT H – PRETREATMENT PROGRAM REQUIREMENTS**

The Joint Outfall System (Permittee) is required to submit annual Pretreatment Program Compliance Report (Report) to the Los Angeles Water Board and United States Environmental Protection Agency, Region 9 (USEPA). This Attachment outlines the minimum reporting requirements of the Report. If there is any conflict between requirements stated in this attachment and provisions stated in the Waste Discharge Requirements (WDR), those contained in the WDR will prevail.

### **1. Pretreatment Requirements**

- 1.1 The Permittee shall be responsible and liable for the performance of all Control Authority pretreatment requirements contained in 40 CFR part 403, including any subsequent regulatory revisions to part 403. Where part 403 or subsequent revision places mandatory actions upon the Permittee as Control Authority but does not specify a timetable for completion of the actions, the Permittee shall complete the required actions within six months from the issuance date of this permit or the effective date of the part 403 revisions, whichever comes later. For violations of pretreatment requirements, the Permittee shall be subject to enforcement actions, penalties, fines and other remedies by the USEPA or other appropriate parties, as provided in the Act. USEPA may initiate enforcement action against a nondomestic user for noncompliance with applicable standards and requirements as provided in the act.
- 1.2 The Permittee shall enforce the requirements promulgated under sections 307(b), 307(c), 307(d) and 402(b) of the Act with timely, appropriate, and effective enforcement actions. The Permittee shall cause all nondomestic users subject to federal categorical standards to achieve compliance no later than the date specified in those requirements or, in the case of a new nondomestic user, upon commencement of the discharge.
- 1.3 The Permittee shall perform the pretreatment functions as required in 40 CFR part 403 including, but not limited to:
  - 1.3.1 Implement the necessary legal authorities as provided in 40 CFR section 403.8(f)(1);
  - 1.3.2 Enforce the pretreatment requirements under 40 CFR sections 403.5 and 403.6;
  - 1.3.3 Implement the programmatic functions as provided in 40 CFR section 403.8(f)(2); and
  - 1.3.4 Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR section 403.8(f)(3).
- 1.4 The Permittee shall submit annually a report to USEPA Pacific Southwest Region, and the State describing its pretreatment activities over the previous year. In the event the District is not in compliance with any conditions or requirements of this permit, then the District shall also include the reasons for noncompliance and state how and when the District shall comply with such conditions and requirements. This

annual report shall cover operations from January 1 through December 31 and is due on April 15 of each year. The report shall contain, but not be limited to, the following information:

- 1.4.1 A summary of analytical results from representative, flow proportioned, 24-hour composite sampling of the publicly-owned treatment works (POTW) influent and effluent for those pollutants USEPA has identified under section 307(a) of the Act which are known or suspected to be discharged by nondomestic users. This will consist of an annual full priority pollutant scan, with quarterly samples analyzed only for those pollutants detected in the full scan. The District is not required to sample and analyze for asbestos. Sludge sampling and analysis are covered in the sludge section of this permit. The District shall also provide any influent or effluent monitoring data for nonpriority pollutants which the District believes may be causing or contributing to interference or pass through. Sampling and analysis shall be performed with the techniques prescribed in 40 CFR part 136;
- 1.4.2 A discussion of Upset, Interference or Pass Through incidents, if any, at the treatment plant which the District knows or suspects were caused by nondomestic users of the POTW system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name and address of the nondomestic user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent pass through or interference;
- 1.4.3 An updated list of the District's significant industrial users (SIUs) including their names and addresses, and a list of deletions, additions and SIU name changes keyed to the previously submitted list. The District shall provide a brief explanation for each change. The list shall identify the SIUs subject to federal categorical standards by specifying which set(s) of standards are applicable to each SIU. The list shall also indicate which SIUs are subject to local limitations;
- 1.4.4 The Permittee shall characterize the compliance status of each SIU by providing a list or table which includes the following information:
  - Name of the SIU;
  - Category, if subject to federal categorical standards;
  - The type of wastewater treatment or control processes in place;
  - The number of samples taken by the POTW during the year;
  - The number of samples taken by the SIU during the year;
  - For an SIU subject to discharge requirements for total toxic organics, whether all required certifications were provided;
  - A list of the standards violated during the year. Identify whether the violations were for categorical standards or local limits;

- Whether the facility is in significant noncompliance (SNC) as defined at 40 CFR section 403.8(f)(2)(viii) at any time during the year; and
- A summary of enforcement or other actions taken during the year to return the SIU to compliance. Describe the type of action, final compliance date, and the amount of fines and penalties collected, if any. Describe any proposed actions for bringing the SIU into compliance.

1.4.5 A brief description of any programs the POTW implements to reduce pollutants from nondomestic users that are not classified as SIUs;

1.4.6 A brief description of any significant changes in operating the pretreatment program which differ from the previous year including, but not limited to, changes concerning the program's administrative structure, local limits, monitoring program or monitoring frequencies, legal authority, enforcement policy, funding levels, or staffing levels;

1.4.7 A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases; and

1.4.8 A summary of activities to involve and inform the public of the program including a copy of the newspaper notice, if any, required under 40 CFR section 403.8(f)(2)(viii).

## **2. LOCAL LIMITS EVALUATION**

2.1. In accordance with 40 CFR section 122.44(j)(2)(ii), the POTW shall provide a written technical evaluation of the need to revise local limits under 40 CFR section 403.5(c)(1) within 180 days of issuance or reissuance of the Joint Water Pollution Control Plant (JWPCP) NPDES permit.

## **3. SIGNATORY REQUIREMENTS AND REPORT SUBMITTAL**

### **3.1. Signatory Requirements.**

The annual report must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for the overall operation of the POTW. Any person signing these reports must make the following certification [40 CFR section 403.6(a)(2)(ii)]:

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.

### **3.2. Report Submittal**

The Annual Pretreatment Report shall be submitted electronically using the State Water Board's California Integrated Water Quality System (CIWQS) Program



website (<http://www.waterboards.ca.gov/ciwqs/index.html>). The CIWQS website will provide additional information for SMR/DMR submittal in the event there will be a planned service interruption for electronic submittal.

A copy of the Annual Pretreatment Report must be sent to USEPA electronically to the following address:

[R9Pretreatment@epa.gov](mailto:R9Pretreatment@epa.gov)