California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2003- 0044
NPDES PERMIT NO. CA0023027
I.D. NO. 1B84086OHUM

WASTE DISCHARGE REQUIREMENTS AND WATER RECYCLING REQUIREMENTS

FOR

HUMBOLDT COUNTY RESORT IMPROVEMENT DISTRICT NO. 1 SHELTER COVE WASTEWATER TREATMENT FACILITY

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter, Regional Water Board) finds that:

1. The Humboldt County Resort Improvement District No.1, Shelter Cove (hereinafter, Permittee) submitted a Report of Waste Discharge dated November 22, 2002, and applied for renewal of its Permit to discharge treated and disinfected municipal wastewater, under the National Pollutant Discharge Elimination System (NPDES), from its Shelter Cove Wastewater Treatment Facility (WWTF) located on Lower Pacific Drive at Wave Road in Shelter Cove, California at Latitude 40°02'00" W and Longitude 124°04'40" N. Current Waste Discharge Requirements are contained in Order No. 98-50, adopted by the Regional Water Board on May 28, 1998.

2. The Permittee completed construction of a new WWTF to replace the original facility in June 1999. The new WWTF is designed to serve approximately 850 residential lots as well as commercial and public facilities within the District.

3. The Shelter Cove WWTF is designed for average dry weather flow of 0.17 million gallons per day (mgd), average wet weather flow of 0.27 mgd, and peak wet weather flow of 0.77 mgd. Wastewater treatment components include coarse screening, two oxidation ditches, two clarifiers, and chlorination and dechlorination facilities. Effluent used for water recycling via irrigation is also filtered and chlorinated again before reaching the irrigation water storage pond. During the winter period, all of the secondary treated effluent is discharged through Outfall No. 001 into the surf zone of the Pacific Ocean within the King Range National Conservation Area. During spring and summer months, some or all of the treated effluent is discharged to a storage pond that supplies a spray irrigation system on the Permittee-owned, nine-hole golf course. Sludge solids are dewatered using a proprietary filter bag system. Sludge from the clarifiers is placed in filter bags that allow liquid to escape while retaining solids. After a

period of drying, bags containing sludge are taken to the Humboldt County solid waste transfer station for landfill disposal.

4. The near shore waters of the King Range National Conservation Area were designated as an Area of Special Biological Significance (ASBS) by the State Water Board on March 21, 1974. In 1983, the Regional and the State Water Boards conducted public hearings regarding the discharge of treated effluent through the Permittee's outfall into this ASBS, and with the concurrence of the U.S. EPA found that (1) the discharge of treated wastewater was not resulting in water quality impacts, and (2) there was no practical alternative to the continued discharge of treated and disinfected wastewater to the ASBS. The agencies determined that continued discharge in the ASBS should be permitted as long as no water quality impacts occur. Effluent data collected to date show that no water quality impacts have occurred. Effective January 1, 2003, all ASBS in California were reclassified as State Water Quality Protection Areas (SWQPA).

5. The facility is a minor discharge, as defined by the U.S. Environmental Protection Agency (U.S. EPA), and does not receive wastewater from any industrial source.

6. The dilution ratio of Outfall No. 001 is 50 to 1.

7. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes beneficial uses, water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies. For the protection and enhancement of ocean water quality, the Basin Plan adopts, by reference, the provisions of the State Water Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan), which establishes beneficial uses and water quality objectives for the bacterial, physical, chemical, biological, and radiological characteristics of ocean waters adjacent to the California coast, outside of enclosed bays, estuaries, and coastal lagoons.

8. The beneficial uses of ocean waters of the State of California include:

   a. industrial water supply
   b. navigation
   c. water contact recreation
   d. noncontact water recreation, including aesthetic enjoyment
   e. commercial and sport fishing
   f. mariculture
   g. marine habitat
   h. wildlife habitat
   i. preservation and enhancement of designated Areas of Special Biological Significance
   j. fish migration
   k. habitat for rare, threatened, and endangered species
   l. fish spawning
   m. shellfish harvesting

9. The Permittee has a dry weather design flow of less than 1.0 mgd and is, therefore, exempt from federal Clean Water Act provisions regarding storm water discharges associated with industrial activities – Category IX, as defined in 40 CFR Section 122.26 (b) (14).

10. Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 208 (b), 301, 302, 303 (d), 304, 306, 307, and 403 of the Clean Water Act and amendments thereto are applicable to the Permittee.

11. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.

12. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 13389 of the California Water Code [CWC] and Title 14, California Code of Regulations, Section 15301, as an activity involving the permitting of an existing facility that involves negligible or no expansion of an existing use.

13. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided opportunity to submit written comments pertaining to the discharge.

14. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

15. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, and amendments thereto, and will take effect upon its adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 98-50 is rescinded, and the Permittee, in order to meet the provisions of Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.

2. Creation of pollution, contamination, or nuisance, as defined by the Section 13050 of the California Water Code, is prohibited.

3. The discharge of sludge is prohibited, except as authorized under Section **E. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**.

4. The discharge of untreated or partially treated waste from anywhere within the collection, treatment, or disposal system is prohibited.

5. There shall be no bypassing of untreated or partially treated wastewater from the WWTF or any intermediate unit processes to the irrigation water holding pond or to Outfall No. 001.

6. The discharge of recycled, filtered wastewater to a use area other than the golf course is prohibited.

7. The average dry weather flow through the WWTF shall not exceed 0.17 mgd averaged over a calendar month. Peak wet weather flows through the WWTF shall not exceed 0.77 mgd.

B. EFFLUENT LIMITATIONS

1. Representative samples of the discharge to the Pacific Ocean, through Outfall No. 001, shall not contain constituents in excess of the following limitations (Table A and Table B).

TABLE A
MAJOR WASTEWATER CONSTITUENTS

	Units	Monthly Average[a]	Weekly Average[b]	Daily Maximum
BOD_5	mg/l	30	45	60
	lb/day[c]	43	64	85
Suspended Solids	mg/l	30	45	60
	lb/day[c]	43	64	85
Settleable Solids	ml/l	0.1	---	0.2
Total Coliform	MPN/100 ml	23[d]	---	230
pH	std. units	Not less than 6.0 or greater than 9.0		
Turbidity	NTU	75	100	225

[a] The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days.

[b] The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days.

[c] the daily discharge (lbs/day) is obtained from the following calculation on any calendar day:

$$\text{Daily Discharge (lbs/day)} = \frac{8.34}{N} \sum_{i}^{N} Q_i C_i$$

the constituent concentration, respectively, which are associated with each of the N grab samples that may be taken in any calendar day. If a composite sample is taken, C_i is the concentration measured in the composite sample; and Q_i is the average flow rate occurring during the period over which samples are composited.

[d] Median

TABLE B
TOXIC POLLUTANT LIMITATIONS
Limitations For Protection of Marine Aquatic Life

	Units	6 Month Median[a]	Daily Maximum[b]	Instantaneous Maximum[c]
Arsenic	mg/l	.26	1.5	3.9
Cadmium	mg/l	0.05	0.2	0.5
Chromium (hexavalent)[d]	mg/l	0.1	0.4	1.0
Copper	mg/l	.05	0.5	1.4
Lead	mg/l	0.1	0.4	1.0
Mercury	mg/l	0.002	0.008	0.02
Nickel	mg/l	0.26	1.0	2.6
Selenium	mg/l	0.77	3.1	7.7
Silver	mg/l	0.03	0.13	0.35
Zinc	mg/l	0.6	3.7	9.8
Cyanide[e]	mg/l	0.05	0.2	0.5
Ammonia	mg/l N	30	122	300
Chronic Toxicity	TUc	NA	51	NA
Non-Chlorinated Phenolic Compounds	mg/l	1.5	6.1	15.3
Chlorinated Phenolics	mg/l	0.05	0.2	0.5

[a] The 6-month median shall apply as a moving median of daily values for any 180-day period in which daily values represent flow weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. If only one sample is collected during the 180-day period, the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

[b] The daily maximum shall apply to flow weighted 24-hour composite samples.

[c] The instantaneous maximum shall apply to grab sample determinations.

[d] Permittees may meet this limit as a total chromium limit.

[e] If a Permittee can demonstrate to the satisfaction of the Regional Board (subject to EPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by the approved method in 40 CFR Part 136, as revised May 14, 1999.

	Units	6 Month Median[a]	Daily Maximum[b]	Instantaneous Maximum[c]
Endosulfan	µg/l	0.5	0.9	1.4
Endrin	µg/l	0.1	0.2	0.3
HCH	µg/l	0.2	0.4	0.6
Radioactivity	Not to exceed limits specified in Title 17 California Code of Regulations Division 1, Chapter 5, Subchapter 4, Group 3, Article 3, § 30253. Limits for radioactivity in § 30253 shall apply directly to the undiluted waste effluent. Reference to § 30253 is prospective, including future changes to any incorporated provisions of federal law, as the changes take effect.			

TABLE B (Continued)
TOXIC POLLUTANT LIMITATIONS
Limitations For Protection of Human Health – Noncarcinogens

		30 Day Average	
Chemical	**Units**	**Decimal Notation**	**Scientific Notation**
acrolein	mg/l	11.2	1.12×10^{1}
antimony	mg/l	61.2	6.12×10^{1}
bis (2-chloroethoxy) methane	mg/l	0.22	2.2×10^{-1}
bis (2-chloroisopropyl) ether	mg/l	61.2	6.12×10^{1}
chlorobenzene	mg/l	29.1	2.91×10^{1}
chromium (trivalent)	mg/l	9,690	9.69×10^{3}
di-n-butyl phthalate	mg/l	178	1.78×10^{2}
dichlorobenzenes	mg/l	260	2.6×10^{2}
diethyl phthalate	mg/l	1,683	1.683×10^{3}

[a] The 6-month median shall apply as a moving median of daily values for any 180-day period in which daily values represent flow weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. If only one sample is collected during the 180-day period, the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

[b] The daily maximum shall apply to flow weighted 24-hour composite samples.

[c] The instantaneous maximum shall apply to grab sample determinations.

		30 Day Average	
Chemical	**Units**	**Decimal Notation**	**Scientific Notation**
dimethyl phthalate	mg/l	41,820	4.182×10^{4}
4,6-dinitro-2-methylphenol	mg/l	11.2	1.12×10^{1}
2,4-dinitrophenol	mg/l	0.2	2×10^{-1}
ethylbenzene	mg/l	209	2.09×10^{2}
fluoranthene	mg/l	0.8	8×10^{-1}
hexachlorocyclopentadiene	mg/l	2.9	2.9×10^{0}
nitrobenzene	mg/l	0.25	2.5×10^{-1}
thallium	mg/l	0.1	1×10^{-1}
toluene	mg/l	4,335	4.335×10^{3}
1,1,1-trichloroethane	mg/l	27,540	2.754×10^{4}
tributyltin	µg/l	0.07	7×10^{-2}

TABLE B (Continued)
TOXIC POLLUTANT LIMITATIONS
Limitations For Protection of Human Health – Carcinogens

		30 Day Average	
Chemical	**Units**	**Decimal Notation**	**Scientific Notation**
acrylonitrile	µg/l	5.1	5.1×10^{0}
aldrin	µg/l	.0011	1.1×10^{-3}
benzene	mg/l	0.3	3×10^{-1}
benzidine	µg/l	.0035	3.5×10^{-3}
beryllium	µg/l	1.7	1.7×10^{0}
bis (2-chloroethyl) ether	µg/l	2.3	2.3×10^{0}
bis (2-ethylhexyl) phthalate	mg/l	0.2	2×10^{-1}
carbon tetrachloride	mg/l	0.05	5×10^{-2}
chlordane	µg/l	0.0012	1.2×10^{-3}
chlorodibromomethane	mg/l	0.4	4×10^{-1}
chloroform	mg/l	6.6	6.6×10^{0}

		30 Day Average	
Chemical	**Units**	**Decimal Notation**	**Scientific Notation**
DDT	µg/l	.0087	8.7×10^{-3}
1,4-dichlorobenzene	mg/l	0.9	9×10^{-1}
3,3'-dichlorobenzidine	µg/l	0.4	4×10^{-1}
1,2-dichloroethane	mg/l	1.4	1.4×10^{0}
1,1-dichloroethylene	mg/l	0.04	4×10^{-2}
dichlorobromomethane	mg/l	0.3	3×10^{-1}
dichloromethane	mg/l	22.9	2.29×10^{1}
1,3-dichloropropene	mg/l	0.5	5×10^{-1}
dieldrin	µg/l	0.002	2×10^{-3}
2,4-dinitrotoluene	mg/l	0.1	1.3×10^{-1}
1,2-diphenylhydrazine	µg/l	8.2	8.2×10^{0}
halomethanes	mg/l	6.6	6.6×10^{0}
heptachlor	µg/l	0.002	2×10^{-3}
heptachlor epoxide	µg/l	0.001	1×10^{-3}
hexachlorobenzene	µg/l	0.01	1×10^{-2}
hexachlorobutadiene	mg/l	0.7	7×10^{-1}
hexachloroethane	mg/l	0.1	1.2×10^{-1}
isophorone	mg/l	37	3.7×10^{1}
N-nitrosodimethylamine	mg/l	0.4	4×10^{-1}
N-nitrosodi-N-propylamine	mg/l	0.019	1.9×10^{-2}
N-nitrosodiphenylamine	mg/l	0.1	1.2×10^{-1}
PAHs	µg/l	0.5	5×10^{-1}
PCBs	µg/l	0.001	1×10^{-3}
TCDD equivalents	pg/l	0.2	2×10^{-1}
1,1,2,2-tetrachloroethane	mg/l	0.11	1.1×10^{-1}
tetrachloroethylene	mg/l	0.10	1×10^{-1}
toxaphene	µg/l	0.01	1×10^{-2}
trichloroethylene	mg/l	1.4	1.4×10^{0}

		30 Day Average	
Chemical	**Units**	**Decimal Notation**	**Scientific Notation**
1,1,2-trichloroethane	mg/l	0.47	4.7×10^{-1}
2,4,6-trichlorophenol	mg/l	0.014	1.4×10^{-2}
vinyl chloride	mg/l	1.8	1.8×10^{0}

2. Each effluent concentration limitation contained in Table B, above, shall have a corresponding mass emission limitation derived by the following general formula:

   Mass emission limitation (lbs/day) = .00834 x Ce x Q … where:

   Ce = the effluent concentration limitation (µg/l) … and

   Q = flow rate (mgd) corresponding to the Ce time period (i.e., 24 hours, 30 days, 6 months, or the flow rate at the time of grab sample collection)

3. The average percent removal of BOD and suspended solids in any consecutive 30 day period shall not be less than 85 percent, as determined by analysis of influent and effluent samples collected at approximately the same time.

4. All effluent discharged through Discharge Serial No. 001 shall have a minimum chlorine residual of 1.5 mg/l maintained at the end of the disinfection process. There shall be no detectable levels of chlorine in effluent discharged to the ocean through Discharge Serial No. 001, using a minimum detection limit of 0.1 mg/l. See **D. WATER RECYCLING REQUIREMENTS** 27 for chlorine residual requirements applied to recycled water.

5. Representative samples of the discharge to the irrigation water holding pond shall not contain constituents in excess of the following limitations.

	Units	Monthly Average[a]	Weekly Average[b]	Daily Maximum
BOD_5	mg/l	10	15	20
	lb/day	14	21	28
Suspended Solids	mg/l	10	15	20
	lb/day[c]	14	21	28
Total Coliform	MPN/100 ml	2.2[c]	---	23[d]
Turbidity	NTUs		2[e]	10
pH	std. units	Not less than 6.0 or greater than 9.0		

C. RECEIVING WATER LIMITATIONS

1. General Standards

   a. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board or by the U.S. EPA.

   b. The waste management systems that result in the discharge to the ocean must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

   c. Waste discharged to the ocean must be essentially free of:

      i. Material that is floatable or will become floatable upon discharge.

      ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.

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[a] The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days.
[b] The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days.
[c] A running seven day average of 2.2 mpn/100 ml.
[d] One sample may be greater than 23 mpn/100 ml in any thirty-day period but cannot exceed 240 MPN/100 ml.
[e] Turbidity shall not exceed a daily average of 2 NTUs, 5 NTUs more than five percent of the time, and 10 NTUs at any time

iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.

iv. Substances that significantly decrease the natural light to benthic communities and other marine life.

v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

d. WWTF effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed by treatment.

2. After initial dilution, as defined by the Ocean Plan, the discharge of waste shall not cause a nuisance or adversely affect beneficial uses or cause a violation of the water quality objectives for ocean waters contained below:

a. Bacterial Characteristics

i. Water-Contact Standards

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is farther from the shoreline, and in areas outside this zone used for body-contact sports, as determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

(A) Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 mL (10 per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 mL (10 per mL), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 mL (100 per mL).

(B) The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a geometric mean of 200 per 100 mL nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 mL

(C) Measurements of enterococcus density shall be conducted at all stations where total and fecal coliform measurements are required. The geometric mean enterococcus density shall not exceed 24 organisms per 100 mL for a 30-day period or 12 organisms per 100 mL for a six-month period. The geometric mean shall be a moving average based on no

fewer than 5 samples per month evenly spaced over the time interval.

ii. Shellfish Harvesting Standards

At all areas where shellfish may be harvested for human consumption, as determined by the Regional Water Board, the following bacterial objectives shall be maintained throughout the water column:

(A) The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

b. Physical Characteristics

i. The discharge shall not cause floating particulates and grease and oil to be visible.

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

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

iv. As a result of the discharge, the rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

c. Chemical Characteristics

i. The discharge must not cause the dissolved oxygen concentration to be depressed more than 10 percent from that which occurs naturally.

ii. The discharge must not cause the pH of the receiving waters to be changed at any time more than 0.2 units from that which occurs naturally.

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

iv. The concentration in marine sediments of substances set forth in Chapter II, Table B of the Ocean Plan shall not be increased to levels that would degrade marine life.

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

vi. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

d. Biological Characteristics

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

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

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

e. Radioactivity

The discharge of radioactive waste shall not degrade marine life.

D. WATER RECYCLING REQUIREMENTS

1. The Permittee shall manage recycled water and shall establish and enforce rules, ordinances, or regulations for recycled water users, governing the design, construction, and operation and maintenance of recycled water systems in accordance with Title 22 of the California Code of Regulations (CCR), Division 4, Chapter 3 (Section 60301 et seq.). These rules, ordinances, or regulations shall be reviewed and approved by the Executive Officer and DHS.

2. The use of recycled water that results in unreasonable waste of water is prohibited.

3. The use of recycled water that creates a condition of pollution or nuisance is prohibited.

4. The Permittee shall be responsible to ensure that all users of recycled water comply with the terms and conditions of this Permit and with the rules, ordinances, or regulations adopted by the Permittee.

5. Recycled water shall not be applied to irrigation areas during periods when uncontrolled runoff may occur.

6. Recycled water shall be applied in such a manner so as not to exceed vegetative demand or field capacity.

7. Recycled water and airborne spray shall not be allowed to escape from the authorized recycled water use area(s). [CCR Title 22, Section 60310(e)]

8. Direct or windblown spray, mist, or runoff from irrigation areas shall not enter dwellings, designated outdoor eating areas, or food handling facilities. [CCR Title 22, Section 60310(e)(2)]

9. Drinking water fountains shall be protected against contact with recycled water spray, mist, or runoff. [CCR Title 22, Section 60310(e)(3)]

10. Recycled water shall not bypass or overflow from anywhere in the recycled water distribution system to the point of use. [CCR Title 22, Section 60331]

11. All recycled water equipment, pumps, piping, valves, and outlets shall be appropriately marked to differentiate them from potable facilities.

12. The California Health and Safety Code, Section 116815, requires that "all pipes installed above or below the ground, on or after June 1, 1993, that are designed to carry recycled water, shall be colored purple or distinctively wrapped with purple tape." Section 116815 also contains exemptions that apply to municipal facilities that have established a labeling or marking system for recycled water used on their premises and for water delivered for agricultural use.

13. There shall be no bypassing of untreated or partially treated wastewater from WWTF or any intermediate unit processes to the irrigation water holding pond. Any such discharge, and the cessation of the same, shall be reported immediately to the State Department of Health Services, the Regional Water Board, and the local health officer

14. The portions of the recycled water piping system that are in areas subject to access by the general public shall not include any hose bibbs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the recycled water piping system in areas subject to public access. [CCR Title 22, 60310(I)]

15. Cross-connections shall not occur between any recycled water system and any separate system conveying potable water. [22 CCR, Section 60310(h)]

16. All reservoirs and ponds shall be adequately protected from erosion, washout, or flooding from a rainfall event having a predicted frequency of once in 100 years.

17. Recycled water shall not be irrigated within 50 feet of any domestic water supply well or domestic water supply surface intake, unless the technical requirements specified in CCR Title 22, Section 60310(a) have been met and approved by DHS.

18. Recycled water shall not be impounded within 100 feet of a domestic water supply well unless the technical requirements specified in CCR Title 22, Section 60310(b) have been met.

19. The use of recycled water shall not cause degradation of any water supply.

20. Areas irrigated with recycled water shall be managed to prevent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard. Irrigation water shall infiltrate completely within a 24-hour period.

21. All areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: 'RECYCLED WATER – DO NOT DRINK'. [CCR Title 22, Section 60310(g)] These warning signs shall be posted at least every 500 feet with a minimum of a sign at each corner and access road.

22. A minimum freeboard of two feet shall be maintained at all times in any reservoir or pond containing recycled water, except with prior written authorization by the Executive Officer.

23. Irrigation runoff of recycled water shall be confined to the recycled water use area.

24. All new piping within the recycled water system shall be colored purple or distinctively wrapped with purple tape. Valves and outlets shall be marked in a way that will assure that it is clear that recycled water is being dispensed.

25. No physical connection shall be made between a potable water supply and the recycled water distribution system.

26. Adequate measures shall be taken to prevent the breeding of insects and other vectors of health significance in the irrigation water holding pond and in the areas of recycled water use.

27. As required by Title 22, California Code of Regulations § 60301.230, for disinfected tertiary recycled water, chlorine disinfection following filtration must achieve 450 mg-minutes/liter (the product of total chlorine residual and modal contact time measured at the same time) with a modal contact time of at least 90 minutes, based on the peak dry weather design flow. The Permittee shall conduct periodic inspections of the recycled water use areas, facilities, and operations to monitor and assure compliance with the conditions of this Permit. The Permittee shall take whatever actions are necessary, including termination of delivery of recycled water, to correct any user violations. The Permittee shall, upon prior notification to the user, conduct regular inspections to assure cross-connections are not made with potable water systems and DHS approved backflow prevention devices are installed and operable. The Permittee shall produce, maintain and comply with the Engineering Report, in accordance with CCR Title 22, Sections 60323 and 60314, which shall be approved by the DHS.

E. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS

1. All collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a municipal solid waste landfill, reused by land application, disposed of in a sludge-only landfill, or incinerated in accordance with 40 CFR 257, 258, 501, and 503, the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations, and with the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan). If the Permittee desires to dispose of solids or sludge by a different method, a request for Permit modification shall be submitted to the U.S. EPA and the North Coast Regional Water Board 180 days prior to planned implementation of the alternative disposal method.

2. All requirements of 40 CFR 503 are enforceable by U.S. EPA whether or not they are stated in an NPDES or other Permit issued to the Permittee. The Regional Water Board shall be copied on relevant correspondence with the U.S. EPA regarding sludge management practices.

3. Sludge that is disposed of in a municipal solid waste landfill or used as landfill daily cover shall meet the applicable requirements of 40 CFR 258.

4. The Permittee is responsible for ensuring compliance with applicable solids disposal regulations whether the Permittee uses or disposes of the sludge himself or contracts with another party for further treatment, use, or disposal. The Permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under 40 CFR Parts 257, 258, and 503.

5. The Permittee shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that has a likelihood of adversely affecting human health or the environment.

6. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.

7. Solids and sludge treatment and storage sites shall have facilities to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from a 100-year storm and protection from the highest possible tidal stage that may occur.

8. Notification of non-compliance: The Permittee shall notify the Regional Water Board regarding any non-compliance within 24 hours, if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the Permittee shall notify the Regional Water Board of the non-

compliance in writing within 5 working days of becoming aware of the non-compliance.

9. Inspection and Entry: The Regional Water Board or its authorized representative, shall be allowed by the Permittee to enter upon all premises where sludge produced by the Permittee is treated, stored, used, or disposed; to have access to and copy any records that are kept under the conditions of this Permit or pursuant to 40 CFR 503; and to inspect any facilities, equipment, or operations used by the Permittee or its contractors in the production, treatment, storage, use, or disposal of sludge.

F. GENERAL PROVISIONS

1. Duty to Reapply

This Order expires on May 15, 2008. If the Permittee wishes to continue an activity regulated by this Order after the expiration date of this Order, the Permittee shall apply for and obtain a new Permit. The application, including a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than November 15, 2007. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA or the Regional Water Board Executive Officer may grant permission to submit an application at a later date prior to the expiration date of the Order; and the Regional Administrator of the U.S. EPA or Regional Water Board Executive Officer may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the expiration date of the Order. [40 CFR 122.21(d)(1)]

2. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit non-compliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and re-issuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41 (a)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41 (a) (1)]

3. Enforcement

The CWA provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed $25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the CWA is subject to a fine of not less than $2,500 nor more than $25,000 per

day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41 (a)(2)].

4. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41 (d)]

5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Order.
[40 CFR 122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Permit; or

b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

e. If any 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 Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Order shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Permittee so notified.
[40 CFR 122.44 (b)]

f. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. [40 CFR 122.41 (f)]

7. Property Rights

This Permit does not convey property rights of any kind, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41 (g)]

8. Duty to Provide Information

The Permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to the Regional Water Board copies of records required by this Permit. [40 CFR 122.41 (h)]

The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Order;

c. Inspect, at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the CWA, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The Permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The Permittee 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 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.

c. Records of monitoring information shall include:

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

ii. The individual(s) who performed the sampling or measurements;

iii. The date(s) analyses were performed;

iv. The individual(s) who performed the analyses;

v. The analytical techniques or methods used;

vi. The results of such analyses;

vii. The method detection limit (MDL); and

viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ), where applicable.

d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order or approved by the Executive Officer of the Regional Water Board (Executive Officer). Unless otherwise specified, all results of analyses for metals shall be reported as total recoverable metals. Toxicity bioassays shall be performed in accordance with the provisions of this Permit.

11. Signatory Requirements

a. All Permit applications submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a general partner or the proprietor, the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

i. A president, secretary, treasurer, or vice president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision making functions for the business entity.

b. Reports required by this Order, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. The authorization is made in writing by a person described in paragraph (a) of this provision;

ii. 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; and

iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

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

12. Reporting Requirements

a. Planned changes: The Permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit, nor the notification requirements under **F. GENERAL PROVISIONS** 12.(f) of this Permit.

b. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or its activity that may result in noncompliance with Permit requirements.

c. Transfers: This Permit is not transferable.

d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Order. If the Permittee monitors any pollutant more frequently than required by this Order, using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

e. 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 such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.

f. Noncompliance reporting: The Permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;

ii. Any upset that exceeds any effluent limitation in this Permit;

iii. Any noncompliance that may endanger health or the environment. This shall include, but not be limited to, any release of untreated wastewater from the collection system that reaches, or has the potential to reach, surface waters or any release of untreated wastewater greater than 5 gallons to land.

The Executive Officer may waive the written report required by this Permit provision pertaining to noncompliance reporting.

g. Other information: When the Permittee 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 Regional Water Board, the Permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

13. Bypass

a. Definitions:

i. Bypass [as defined in 40 CFR 122.41(m)] is the intentional diversion of waste streams from any portion of a treatment facility.

ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities that 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.

b. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or in accordance with an operating plan approved by the Executive Officer to assure efficient operation. These bypasses are not subject to the provisions of parts c and d of this section.

c. Notice

i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

ii. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in **F. GENERAL PROVISION** 12. (f) of this Permit.

d. Prohibition of bypass

i. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. 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; and

(C) The Permittee submitted notices as required under **F GENERAL PROVISIONS** 13 (c) of this Permit.

ii. The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it will meet the three conditions listed above in **F GENERAL PROVISONS** 13 (d) (i) above.

14. Upset

a. Definition. Upset [as defined in 40 CFR 122.41(n)] is 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 Permittee. 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.

b. 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 (c), below, are not 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.

c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The Permittee submitted notice of the upset as required in **F GENERAL PROVISIONS** 12 (f) of this Permit; and

iv. The Permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Availability

A copy of this Permit shall be maintained at the WWTF and be available at all times to operating personnel.

16. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the Permittee shall file with the Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

a. Addition of a major industrial waste discharge to a waste stream of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

b. Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301or 306 of the CWA, if it were directly discharging those pollutants;

c. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment that would significantly alter the characteristics of the waste.

d. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.

e. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

17. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected

18. Monitoring

The Regional Water Board or State Water Board may require the Permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2003-0044 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. The Permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State Department of Health Services guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

U.S. EPA, Region 9
Attn: WTR-7, NPDES/DMR
75 Hawthorne Street
San Francisco, CA 94105

19. National Pretreatment Standards – Prohibited Discharges

a. General Prohibitions. Pollutants introduced into WWTFs by a nondomestic source shall not pass through [40 CFR403.3(n)] the WWTF or interfere [40 CFR 403.3(i)] with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (b) of this provision apply to all nondomestic sources introducing pollutants into a WWTF whether or not the source is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.

b. Specific Prohibitions. The following pollutants shall not be introduced into a WWTF:

i. Pollutants that create a fire or explosion hazard;

ii. Pollutants that will cause corrosive structural damage to the WWTF, and in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

iii. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the WWTF resulting in interference;

iv. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the WWTF;

v. Heat in amounts that will inhibit biological activity in the WWTF resulting in interference, and in no case heat in such quantities that the temperature of wastewater at the WWTF exceeds 40°C (104ºF) unless the Regional Water Board, upon request of the WWTF, approves alternate temperature limits;

vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;

vii. Pollutants that result in the presence of toxic gases, vapors, or fumes within the WWTF in a quantity that may cause acute worker health and safety problems; or

viii. Any trucked or hauled pollutant, except at discharge points designated by the WWTF.

c. When specific limits are required to be developed by a WWTF.

i. WWTFs developing Pretreatment Programs pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a) and (b) of this provision.

ii. All WWTFs shall, in cases where pollutants contributed by user(s) result in interference or pass-through and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s) and all other users, as appropriate, which, together with appropriate changes in the WWTF's facilities or operations, are necessary to ensure renewed and continued compliance with the WWTF's NPDES Permit or sludge use or disposal practices.

iii. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

d. Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a WWTF in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the CWA. [40 CFR 403.5(a) through (d)]

20. Operator Certification

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

21. Adequate Capacity

Whenever a WWTF will reach capacity within four years, the Permittee shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. Factors to be evaluated in assessing reserve capacity shall include, at a minimum, (1) comparison of the wet weather design flow with the highest daily flow, and (2) comparison of the average dry weather design flow with the lowest monthly flow. The Permittee shall demonstrate that adequate steps are being taken to address the capacity problem. The Permittee shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification, that the WWTF will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

22. Chronic Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

a. Testing procedures specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (U.S. EPA Report, EPA/600/4-91/003, 2nd Edition, July 1994 or subsequent editions), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (U.S. EPA Report No. EPA-600-4-91-002, 3rd or subsequent editions), or other methods approved by the Executive Officer, shall be used.

b. If the result of any single chronic toxicity test does not comply with the chronic toxicity effluent limitation, the Permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the chronic toxicity limitation, the Permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with GENERAL PROVISIONS G.23. If the two additional samples are in compliance with the chronic toxicity requirement, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the Permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the chronic toxicity effluent limitation.

c. Chronic Toxicity Screening Phase Requirements

i. The Permittee shall perform screening phase monitoring at the start of its chronic toxicity monitoring program.

ii. Design of the screening phase shall, at a minimum, consist of the following elements:

(A) At least three test species with approved test protocols shall be used to measure compliance with the toxicity objective;

(B) If possible, the test species shall include a vertebrate, an invertebrate, and an aquatic plant;

(C) Use of test species specified in Tables 5 of the SIP and the list in Appendix II of the 2001 Ocean Plan, and use of the protocols referenced therein, or as approved by the Executive Officer;

(D) Appropriate controls; and

(E) Concurrent reference toxicant tests.

iii. After conducting the screening phase, the Permittee may petition the Executive Officer to reduce the required testing to the most sensitive specie(s).

23. Toxicity Identification and Source Reduction Evaluations for Chronic Toxicity

The Permittee shall take steps necessary to identify and reduce the source of the toxicity in the effluent, if the discharge consistently exceeds a chronic trigger. The Toxicity Identification Evaluation shall be conducted in accordance with the *Methods for Aquatic Toxicity Identification Evaluations: Phases I-III* (EPA Publication 600/6-91/003, February 1991) or other methods approved by the Executive Officer. The Toxicity Reduction Evaluation shall be conducted in accordance with the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA 600/2-88/070, April 1989) or the *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 883-B-99-002, August 1999) or other methods approved by the Executive Officer. Once the source of toxicity is identified, the Permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

24. Pollutant Minimization Program

The Permittee must develop a Pollutant Minimization Program if all of the following conditions are met.

a. The effluent limitation is less than the reported Minimum Level, and

b. The concentration of the pollutant is reported as DNQ, and

c. There is evidence showing that the pollutant is present in the effluent above the calculated effluent limitation.

or

a. The effluent limitation is less than the Method Detection Limit, and

b. The concentration of the pollutant is reported as ND, and

c. There is evidence showing that the pollutant is present in the effluent above the calculated effluent limitation.

The completion and implementation of a Pollution Prevention Plan, required in accordance with CWC Section 13263.3(d) will fulfill the requirements of a Pollution Minimization Program. A Pollutant Minimization Program shall include the following actions and submittals, although the Regional Board may establish additional requirements.

a. An annual review and semi annual monitoring of potential sources of the reportable pollutant.

b. Quarterly monitoring for the reportable pollutant in the influent to the wastewater treatment facility.

c. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant in the effluent at or below the effluent limitation.

d. Implementation of appropriate cost effective control measures for he pollutant, consistent with the control strategy.

e. An annual status report, submitted to the Regional Board, which contains:

i. All Pollutant Minimization Program monitoring results for the previous year.

ii. A list of potential sources of the reportable pollutant.

iii. A summary of all action steps taken in accordance with the control strategy.

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

25. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order and Permit if present or future investigations demonstrate that the Permittee governed by this Order is causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 15, 2003.

_____
Susan A. Warner
Executive Officer

KLJ:js/ShelterCoveNPDES