California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2004-0075
NPDES PERMIT NO. CA0023272
I.D. NO. 1A84002OSIS

WASTE DISCHARGE REQUIREMENTS

FOR

CITY OF TULELAKE
WASTEWATER TREATMENT FACILITY

Siskiyou County

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

1. The City of Tulelake submitted a Report of Waste Discharge dated January 27, 2004, and applied for renewal of the permit (Order 99-62) to discharge municipal wastewater from its Wastewater Treatment Facility (WWTF) under the National Pollutant Discharge Elimination System (NPDES). Supplemental information was submitted on May 3, 2004. These Waste Discharge Requirements (WDRs) regulate the collection and treatment system. The term of this Permit is five years.

2. The City of Tulelake (hereinafter the Permittee) owns wastewater collection and treatment facilities serving the community. The WWTF is designed to treat 0.16 million gallon per day (mgd) of wastewater to secondary treatment standards. WWTF treatment components include headworks, two aerated lagoons, two sand filters, and chlorination and dechlorination chambers. The headworks include an on-site pump station receiving sewage from the collection system, comminutor, and pumps. Treated wastewater is disinfected using chlorine gas and dechlorinated with sulfur dioxide. Treated effluent is discharged through discharge Serial No. 001 into Tulelake Irrigation District Drain No. 44-B-1 at a point of latitude 41°56'55" North and longitude 121°28'15" West, located within the NE ¼ of Section 2, T47N, R4E, MDB&M (Map A Appendix 1, herein made part of this Order).

3. Tulelake Irrigation District Drain No. 44-B-1 is tributary to the Tulelake-Lower Klamath Lake reach of the Lost River Basin, waters of the United States. Drain No. 44-B-1 is hydraulically connected to the Tulelake Sump. Water from the Tulelake Sump is pumped across Sheepy Ridge to Lower Klamath Lake, through the Tulelake Tunnel. The Straits Drain hydraulically connects the Lower Klamath Lake area to the Klamath River.

4. The Permittee is currently governed by WDRs Order No. 99-62, adopted by the Regional Water Board on August 26, 1999.

5. Sludge is allowed to digest in the oxidation treatment ponds. There are no records indicating sludge has ever been dredged from the ponds since1977 when the WWTF started operating. Chronic effluent limitation violations related to Biochemical Oxygen Demand (BOD) and Total Suspended Solids indicate sludge accumulation needs removal.

6. This facility is a minor discharger as defined in Part 40 of the Code of Federal Regulations (CFR) 122.2. Pursuant to Title 23, California Code of Regulations (CCR), Section 2200, the Permittee is assessed an annual fee based on an average dry weather flow of 0.16 mgd.

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. The Basin Plan also includes a prohibition against point source discharges to the Klamath River and its tributaries, excluding the lower Lost River system.

8. The Basin Plan contains a narrative objective (standard) for toxicity that requires:

   All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

   The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in *Standard Methods for the Examination of Water and Wastewater 18th Edition* (1992). At a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

   In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

9. Beneficial uses of the lower Lost River and Tule Lake, as listed in the Basin Plan, include:

   a. agricultural supply
   b. freshwater replenishment
   c. water contact recreation
   d. noncontact water recreation
   e. commercial and sport fishing
   f. warm freshwater habitat
   g. wildlife habitat
   h. rare, threatened or endangered species
   i. aquaculture

10. Existing and potential beneficial uses of areal groundwater include.

    a. municipal water supply
    b. domestic water supply
    c. agricultural water supply
    d. industrial water supply

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

12. BOD effluent limits in this Permit are higher than that in Order 99-62. The new limit is based on treatment equivalent to secondary treatment (40 CFR 133.105(a)). This facility is eligible for treatment equivalent to secondary treatment pursuant to 40 CFR 133.101 (g), as a facility where:

    a. the BOD_5 effluent concentration consistently achievable exceeds the minimum level for secondary treatment effluent limitations,
    b. a waste stabilization pond is used as the principle process,
    c. treatment works provide significant biological treatment of municipal wastewater.

13. The State Water Resources Control Board (State Water Board) adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. All provisions of the SIP became effective as of May 22, 2000. The SIP applies to discharges of toxic pollutants into the inland surface waters, enclosed bays, and estuaries of California subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal CWA. The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. EPA through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Quality Control Boards (Regional Water Boards) in their water quality control plans (basin plans); (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions.

    On April 27, 2001, in accordance with the SIP, the Executive Officer issued a 13267(b) Order to require the Permittee to obtain background and effluent data to determine whether priority pollutants for which criteria have been established under provisions of the SIP are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. The 13267(b) Order required sampling for NTR, CTR and additional priority pollutants to determine if the discharge has reasonable potential to cause or contribute to water quality impacts. The requirements contained in the 13267(b) Order list specific constituents, detection levels, acceptable time frames and report requirements. On January 20, 2004, the Permittee finished submitting a complete data set to satisfy the 13267(b) Order.

14. In accordance with Section 1.3 of the SIP, effluent and ambient monitoring data was analyzed to determine whether the discharge has the reasonable potential to cause or contribute to an excursion above any State water quality standard. This reasonable potential analysis (RPA) was conducted for priority pollutants using monitoring data results from 2002 and 2003. Based on the results of the RPA, cyanide, dichlorobromomethane, and bis-(2-Ethylhexyl)phthalate were determined to have reasonable potential to exceed State water quality standards.

15. In accordance with Section 1.3 and 1.4 of the SIP, a numeric Water Quality Based Effluent Limit (WQBEL) is required for this constituent. Final WQBELs were calculated for cyanide based on freshwater organism criterion of 5.20 µg/l, and dichlorobromomethane, and bis-(2-Ethylhexyl)phthalate based on a human health criteria of 0.560 µg/l and 1.20 µg/l respectively. No dilution credit was considered for these limits. Final average monthly effluent limitation (AMEL) and maximum daily effluent limitation (MDEL) for these constituents are included in Section B of this Permit.

16. Sections 2.1 and 2.2 of the SIP authorize the establishment of a compliance schedule and interim limitations upon receipt of additional information documenting possible source control efforts, pollutant minimization actions, and facility improvements. The Permittee may choose to request a compliance schedule and interim limitations prior to the Board meeting.

17. The City of Tulelake WWTF is not required to have coverage under the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities because the design flow of the WWTF is less than 1.0 mgd. The Permittee has determined that this facility does not have storm water discharges to surface waters. Storm water falling within the confines of the facility percolates into the ground or dissipates through overland flow to vegetated areas.

18. Tule Lake is listed as an impaired water body for sediment pursuant to Section 303(d) of the CWA. A total maximum daily load (TMDL) has not been established to address temperature, nutrients and pH loading in Tule Lake.

19. The permitted discharge is consistent with the antidegradation provision 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.

20. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) in accordance with Section 13389 of the California Water Code. (*City of Burbank v. State Water Resources Control Board* (2003) 111 Cal.App.4th 245, 265-267; California Code of Regulations, Title 14, Section 15263.)

21. The Regional Water Board has notified the Permittee 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.

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

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 99-62 is rescinded and the Permittee, in order to meet the provisions contained in 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 a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC is prohibited.

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

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

5. The discharge of waste to land that is not owned by or under agreement to use by the Permittee is prohibited.

6. The discharge of waste at any point not described in Finding 2 is prohibited.

7. The mean daily dry weather flow of waste in excess of 0.16 mgd measured over a period of 30 consecutive days is prohibited.

B. EFFLUENT LIMITATIONS

Wastewater shall be screened and degritted, adequately oxidized, clarified, disinfected and dechlorinated. Representative effluent samples shall be collected at a point following dechlorination and prior to discharge into Drain 44-B-1, and shall be analyzed for the purpose of determining compliance with this Order, unless otherwise specified.

1. Treated effluent shall not contain constituents in excess of the following limitations:

Constituent	Unit	Monthly Average[1]	Weekly Average[2]	Daily Maximum[3]
BOD (20ºC, 5-day)	mg/l	45	65	---
	lb/day[4]	60	87	---
Suspended Solids	mg/l	--	--	95[5]
	lb/day[4]	--	--	127[5]
Settleable Solids	ml/l	0.1	---	0.2
Coliform Organisms (Total)	MPN/100 ml	23[6]	---	240

2. The pH in the effluent discharge shall be not less than 7.0 nor greater than 9.0.

3. Effluent discharged to the Drain 44-B-1 shall not contain detectable levels of total chlorine using an analytical method or chlorine analyzer with a minimum detection level of 0.1 mg/l.

4. There shall be no acute toxicity in the effluent. The Permittee will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:

   a. Minimum for any one bioassay: 70 percent survival.
   b. Median for any three or more consecutive bioassays: at least 90 percent survival.

   Compliance with this effluent limitation shall be determined in accordance with **F. GENERAL PROVISIONS** 24**.**

5. The arithmetic mean of the BOD (20ºC, 5-day) and suspended solids values for effluent samples collected in a period of 30 consecutive days shall not exceed 35 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (65 percent removal). Percent removal shall be determined from the 30-day average value of influent

[1] The arithmetic mean all samples collected in a calendar month.
[2] The arithmetic mean of all samples collected in a calendar week.
[3] The maximum result of all samples collected in a calendar day.
[4] Mass-based effluent limitations are based on the WWTF dry weather design flow of 2.3 mgd. During wet-weather periods when the flow into the WWTF exceeds the dry weather design flow, the mass emission limitation shall be calculated using the concentration-based effluent limitations and the actual flow rates (not to exceed the 30-day average wet weather design flow of 5.0 mgd)

The mass discharge (lbs/day) is obtained from the following formula for any calendar day, week, or month:

$$\frac{8.34}{N}\sum_{i}^{N} Q_i C_i$$

in which N is the number of samples analyzed in any calendar day, week, or month. Q_i and C_i are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples that may be taken in any calendar day, week or month. 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.

[5] Daily maximum not to be exceeded 90% of the time.
[6] Median

wastewater concentration in comparison to the 30-day average value of effluent concentration for the same constituent over the same time period.

6. Representative effluent samples collected at a point following dechlorination and before the point of discharge into Drain 44-B-1 shall not contain constituents in excess of the following limitations:

Constituent	Unit	Final Limitations	
		Monthly Average	Daily Maximum
Cyanide	µg/l	4.26	8.54
Bis-(2-Ethylhexyl)phthalate	µg/l	1.80	3.61
Dichlorobromomethane	µg/l	0.56	1.12

C. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 5.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 5.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.

2. The discharge shall not cause the pH of receiving waters in the lower Lost River and Tule Lake to be depressed below 7.0 nor increased above 9.0. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that, which occurs naturally. If the pH of the receiving water is less than 6.5, the discharge shall not cause a further depression of the pH of the receiving water. If the pH of the receiving water is greater than 8.5, the discharge shall not cause a further increase in the pH of the receiving water.

3. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.

4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

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

6. The discharge shall not cause coloration of the receiving waters that causes nuisance or adversely affects beneficial uses.

7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.

8. The discharge shall not cause or contribute to the receiving waters concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective shall be determined according to **F. GENERAL PROVISIONS** 24 and 25.

10. The discharge shall not alter the natural temperature of the receiving waters.

11. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life as a result of the discharge.

12. The discharge shall not cause the receiving waters to 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.

13. 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 as required by the CWA, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.

14. The discharge shall not cause the receiving waters to contain concentrations of pesticides in excess of the limiting concentrations set forth in Table 3-2 of the Basin Plan.

D. GROUNDWATER LIMITATIONS

1. The collection and storage of wastewater shall not cause or contribute to a statistically significant degradation of groundwater quality.

2. The collection and storage of wastewater shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

E. SOLIDS DISPOSAL

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 Parts 257, 258, and 503, the State Water Board promulgated provisions of Title 27, Division 2, of the CCR, 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 Regional Water Board 180 days prior to the alternative disposal.

2. All the requirements in 40 CFR 503 are enforceable by U.S. EPA whether or not they are stated in an NPDES permit or other permit issued to the Permittee. The Regional Water Board should be copied on relevant correspondence and reports forwarded to 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 Part 258. In the annual self-monitoring report, the Permittee shall include the amount of sludge disposed of, and the landfill(s) to which it was sent.

4. Sludge that is applied to land as soil amendment shall meet pollutant ceiling concentrations and pollutant concentrations, pathogen reduction and vector attraction reduction requirements, and annual and cumulative discharge limitations of 40 CFR Part 503.

5. Sludge that is disposed of through surface disposal, including but not limited to trench systems, area-fill systems, active waste piles, and active impoundments or lagoons shall meet the applicable requirements of 40 CFR Part 503. Sludge stored beyond two years may be considered disposal and regulated as a waste pile or surface impoundment under Title 27 Division 2 of the CCR.

6. The Permittee is responsible for ensuring compliance with these regulations whether the Permittee use or dispose of the sludge itself 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.

7. 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.

8. 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.

9. The Permittee shall notify the Regional Water Board Executive Officer at least 120 days prior to the initiation of any disposal project, with the exception of regular disposal of screenings at a permitted landfill.

F. GENERAL PROVISIONS

1. Duty to Comply

The Permittee shall comply with all conditions of this Order. Any instance of noncompliance with this Order constitutes a violation of the 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 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)]

2. Duty to Reapply

This Order expires on October 6, 2009. The Permittee shall apply to obtain a new Permit for continuing activities regulated by this Order after its expiration date. The Regional Water Board shall receive an application, including a Report of Waste Discharge in accordance with Title 23, CCR, 180 days prior to the expiration date of this Order. [40 CFR sections 122.21(d), 122.41(b); CWA sections 13260 and 13376] The Report of Waste Discharge shall contain all monitoring data and other technical information needed to support the establishment of final priority pollutant effluent limitations pursuant to the SIP. The ROWD shall also include specific information identified in **F. GENERAL PROVISIONS** 12(a) and (e) of this permit.

The Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit an application at a later date prior to the Order expiration date and the Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Order expiration date. [40 CFR 122.21(d)(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 Act 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, sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

a. 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 quality controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Permittee only when necessary to achieve compliance with the conditions of this Order. [40 CFR 122.41(e)]

b. The Permittee shall comply with this provision by submitting to the Regional Water Board an updated Operation and Maintenance (O&M) Manual for the City of Tulelake WWTF. The report shall be included with the application for renewal of this NPDES permit. The Permittee shall update the O&M Manual, as necessary, to conform with changes in operation and maintenance of the WWTF. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:

i. Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times;

ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment;

iii. Description of laboratory and quality assurance procedures;

iv. Process and equipment inspection and maintenance schedules;

v. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Permittee will be able to comply with the requirements of this Order; and

vi. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

6. Permit Actions

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

i. Violation of any terms or conditions of this Order; or

ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

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

iv. 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.

b. 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 CWA 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)]

c. 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 Order does not convey any property rights of any sort, 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); CWC section 13263]

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 Order or to determine compliance with this Order. The Permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Order. [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, the Department of Health Services and/or other 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 to 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, but 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; and

vii. The reported Minimum Level[1] (ML) and the laboratory's current method detection limit (MDL).

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. Unless otherwise specified, all 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, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)(3)]

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:

[1] The Minimum Level (ML) is the concentrations 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-specific sample weights, volumes and processing steps have been followed.

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) and (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 this Order, nor the notification requirements under paragraphs (f) and (g) of this provision.

b. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or 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 March 1 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 this Order. If the Permittee monitor 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 self-monitoring report.

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, including, where applicable, a schedule of compliance.

In addition, the following events shall be reported by telephone as soon as possible to the Regional Water Board Executive Officer, but no later than 24 hours from the time the Permittee become 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, exceeds any effluent limitation or otherwise violates conditions contained in this Order;

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

iii. Any noncompliance that may endanger health or the environment except as provided elsewhere in this Permit.

The Executive Officer may waive the above-required written report.

g. Other information: Where the Permittee become aware that they 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

Bypass exceeding permit limitations is prohibited. [40 CFR 122.41(m).] Any bypass defense asserted is governed by 40 CFR 122.41(m), which is hereby incorporated into this Permit, and with specific reference to the following:

a. The Permittee may assert the bypass defense for violations of the Permit except to the extent the violations relate to the rate or volume of inflow into the WWTF.

b. Burden of proof. In any enforcement proceeding the Permittee(s) seeking to establish the bypass defense has the burden of proof on all elements including the one set forth above.

c. Reopener. This provision may be modified in accordance with the requirements set forth at 40 CFR 122.44(l)(1) and 122.62. Specifically, the Regional Water Board will consider granting full use of the bypass defense upon completion of additional facilities intended to fully treat reasonably foreseeable high flow events.

14. Upset

Any upset defense is governed by 40 CFR 122.41(m), which is hereby incorporated into this Permit, and with specific reference to the following:

a. The upset defense as set forth in 40 CFR 122.41(n) is hereby incorporated into this Permit as follows:

b. The Permittee may assert the upset defense for violations of the Permit except to the extent the violations relate to the rate or volume of inflow into the WWTF.

c. Burden of proof. In any enforcement proceeding the Permittee(s) seeking to establish the upset defense has the burden of proof on all elements including the one set forth above.

d. Reopener. This provision may be modified in accordance with the requirements set forth at 40 CFR 122.44(l)(1) and 122.62. Specifically, the Regional Water Board will consider granting full use of the upset defense upon completion of additional facilities intended to fully treat reasonably foreseeable high flow events.

15. Wastewater Collection System

    a. The Permittee shall develop and implement a management, operation and maintenance program for its wastewater collection system within the term of this Permit. The program shall include:

        i. Adoption of the necessary legal authorities to implement the program;

        ii. Establishment of collection system performance goals and measures to control infiltration and inflow;

        iii. A schedule to conduct routine, ongoing preventive operation and maintenance activities;

        iv. Procedures to identify structural deficiencies and to propose and implement rehabilitation actions;

        v. The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility;

        vi. The maintenance of accurate collection system maps and maintenance records;

        vii. Collection system employee training program; and

        viii. Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

16. Sanitary Sewer Overflows

    a. The Permittee shall submit to the Regional Water Board within 90 days of the effective date of this Order an updated Spill Response and Notification Plan that has been developed for the City of Tulelake WWTF.

    b. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.

    c. SSOs shall be reported to the Regional Water Board staff in accordance with the following:

        i. *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone.

A written description of the event shall be submitted with the monthly monitoring report.

ii. *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.

iii. *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway do not require Regional Water Board notification.

iv. Information to be provided verbally includes:

a. Name and contact information of caller
b. Date, time and location of SSO occurrence
c. Estimates of spill volume, rate of flow, and spill duration
d. Surface water bodies impacted
e. Cause of spill
f. Cleanup actions taken or repairs made
g. Responding agencies

v. Information to be provided in writing includes:

a. Information provided in verbal notification
b. Other agencies notified by phone
c. Detailed description of cleanup actions and repairs taken
d. Description of actions that will be taken to minimize or prevent future spills

d. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's activities within the collection system over the previous calendar year. This annual report is due by March 1st of each year and shall contain:

i. A description of any change in the local legal authorities enacted to implement the program.

ii. A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume and cause of the SSO, and the names and addresses of the responsible parties (if other than the Permittee).

iii. A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.

iv. Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.

e. The Permittee shall perform a self-audit at least once during the life of the Permit to assess the degree to which the performance measurements are being met. The results of the self-audit shall be included in the application for permit renewal, unless otherwise requested by the Executive Officer.

f. The Permittee shall provide notice to the public of the availability of the annual report and the results of the self-audit in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Permittee and information on how to obtain a copy of the report. The Permittee shall provide documentation that the annual report and the results of the self-audit have been made available to the public.

17. Availability

A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.

18. 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 this 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 discharge 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 discharge 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; and

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]

19. 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.

20. 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. R1-2004-0075 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

22. Operator Certification

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680 et seq. 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 DHS where water reclamation is involved.

23. 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]

24. Acute Toxicity Control Provision

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

a. Test Species and Methods

i. During the first discharge season after adoption of this Permit, the Permittee shall conduct 96-hour static renewal or 96-hour static non-renewal tests with an invertebrate, the water flea, *Ceriodaphnia dubia*, and a vertebrate, the rainbow trout, *Orncorhychus mykiss*, for at least two suites of tests. At least one test during the screening period shall be conducted when the effluent is unaffected by storm-related inflow into the WWTF. After this screening period, monitoring shall be conducted using the most sensitive species determined for the given flow regime. At least once every five years, the Permittee shall re-screen once with the two species listed above and continue to monitor monthly with the most sensitive species.

ii. The presence of acute toxicity shall be estimated as specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA 600/4-90-027F, 4th edition or subsequent editions), or other methods approved by the Executive Officer.

b. Definition of Acute Toxicity

i. Acute toxicity is defined as the effluent concentration that would cause death in 50 percent of the test organisms (LC50). Where the LC50 is calculated, results shall be reported in TUa, where TUa = 100/LC50 (in percent effluent).

ii. Acute toxicity is significantly reduced survival at 100 percent effluent compared to a control, using a t-test. Where 100 percent effluent is used, results shall be reported as percent survival.

c. If the result of any single acute toxicity test does not comply with the acute 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 acute toxicity limitation, the Permittee shall initiate a Toxicity Reduction Evaluation (TRE) in accordance with **F. GENERAL PROVISIONS** 26. If the two additional samples are in compliance with the acute toxicity requirement, then a TRE 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 acute toxicity effluent limitation.

25. Chronic Toxicity Control Provision

a. In addition to results from acute toxicity tests, compliance with the Basin Plan narrative toxicity objective shall be demonstrated according to the following tiered requirements based on results from representative samples of the treated effluent:

i. Routine monitoring;
ii. Accelerate monitoring after exceeding a three sample median value of 1.0 TUc or a single sample maximum of 2.0 TUc;
iii. Return to routine monitoring if accelerated monitoring does not exceed either “trigger” in a(ii);
iv. Initiate approved TRE workplan if monitoring of TRE workplan are implemented and toxicity drops below “trigger” levels in a(ii), or as directed by the Executive Officer. confirms consistent toxicity above either “trigger” in a(ii); and
v. Return to routine monitoring after appropriate elements

b. Test Species and Methods

i. The Permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test), and the green alga, *Selanastrum capricornutum* (growth test) for the first two suites of tests. At least one test during the screening period shall be conducted when the

effluent is unaffected by storm-related inflow into the WWTF. After this screening period, monitoring shall be conducted using the most sensitive species. At least once every five years, the Permittee shall rescreen once with the three species listed above and continue to monitor with the most sensitive species.

ii. The presence of chronic toxicity shall be estimated as specified in *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).

c. Definition of Chronic Toxicity

i. Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or ambient waters compared to that of the control organisms.

ii. Results shall be reported in TUc, where TUc = 100/NOEC or 100/ICp or ECp (in percent effluent).

d. Quality Assurance

i. A series of at least five dilutions and a control will be tested. The series shall consist of the following dilution series: 12.5, 25, 50, 75, and 100 percent effluent.

ii. If organisms are not cultured in-house, concurrent testing with a reference toxicant shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests also shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration, etc).

iii. If either the reference toxicant test or effluent test does not meet all test acceptability criteria (TAC) as specified in the manual, then the Permittee must re-sample and re-test within 14 days or as soon as possible.

iv. Control and dilution water should be receiving water or laboratory water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control using culture water shall be used.

26. Toxicity Reduction Evaluation (TRE)

a. The Permittee shall prepare and submit to the Regional Water Board Executive Officer an initial investigation TRE workplan within 180 days of the effective date of this Order. This plan shall be reviewed and updated as necessary in order to remain current and applicable to the discharge and discharge facilities. The workplan shall describe the steps the Permittee

intends to follow if toxicity is detected, and should include, at least the following items:

i. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;

ii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices; and

iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).

b. The TRE shall be conducted in accordance with the following:

i. The TRE shall be initiated within 30 days of the date of completion of the accelerated monitoring test observed to exceed either the acute or chronic toxicity parameter;

ii. The TRE shall be conducted in accordance with the Permittee's workplan; and

iii. The TRE shall be in accordance with current technical guidance and reference material including, at a minimum, the U. S. EPA manual EPA/833B-99/002. The TRE shall be conducted as a tiered evaluation process, as summarized below:

A) Tier 1 consists of basic data collection (routine and accelerated monitoring).
B) Tier 2 consists of the evaluation of treatment plant optimization including operational practices, and in-plant process chemicals.
C) Tier 3 consists of a toxicity identification evaluation (TIE).
D) Tier 4 consists of the evaluation of options for additional treatment processes.
E) Tier 5 consists of the evaluation of options for modifications of in-plant treatment processes.
F) Tier 6 consists of the implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.

iv. The TRE may end at any stage if, through monitoring results, it is determined that there is no longer consistent toxicity.

v. The Permittee may initiate a TIE as part of the TRE process to identify the cause(s) of toxicity. As guidance, the Permittee shall use the EPA acute and chronic toxicity manuals, EPA/600/6-91/005F(Phase I), EPA/600/R-92/080(Phase II), and EPA-600/R-92/081 (Phase III).

vi. As toxic substances are identified or characterized, the Permittee shall continue the TRE by determining the source(s) 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 chronic toxicity parameters.

vii. Many recommended TRE elements accompany required efforts of source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of complying with requirements of recommendations of such programs may be acceptable to comply with requirements of the TRE.

viii. The Regional Water Board recognizes that chronic toxicity may be episodic and identification of a reduction of sources of chronic toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Permittee's actions and efforts to identify and control or reduce sources of consistent toxicity.

27. Accelerated Testing for Toxicity

a. If the initial investigation indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary. If chronic toxicity is detected in this test, then this Section shall apply.

b. If chronic toxicity is detected, then the Permittee shall conduct two more tests, one test conducted approximately every two weeks, over a four-week period. Testing shall commence within two weeks of receipt of the sample results of the exceedance of the toxicity monitoring trigger.

c. The Permittee may return to routine monitoring after appropriate elements of TRE workplan are implemented and toxicity drops below "trigger" levels in **F. GENERAL PROVISION** 25(a)(ii), or as directed by the Executive Officer.

28. Reporting

a. Test results for chronic tests shall be reported according to the chronic toxicity manual Chapter 10 (Report Preparation) and the Monitoring and Reporting Program and shall be attached to the self-monitoring report.

b. The Permittee shall notify the Regional Water Board in writing 15 days after the receipt of test results exceeding an effluent limitation or trigger. The notification will describe actions the Permittee has taken or will take to investigate and correct the cause(s) of toxicity. It may also include a status report on any actions required by the Permit, with a schedule for actions not yet completed. If no actions have been taken, the reasons shall be given.

29. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

30. Reopener

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

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Wafer Board order, a court decision, or state or federal statute or regulation, the effluent limitations for toxic pollutants contained in this Permit may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and TMDL program.

Certification

I, Catherine E. Kuhlman, 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 October 6,2004.

Catherine Kuhlman

Catherine E. Kuhlrnan
Executive Officer