

General Basis for Final Compliance Dates [1]
for Discharges North of the Dumbarton Bridge
Revised March 23, 2006

Constituent	Reference for applicable standard	Maximum compliance schedule allowed	Compliance date and Basis
Cyanide Selenium	NTR	10 years	10-yr, but no later than April 28, 2010 (10 years from effective date of SIP). Basis is the Basin Plan, see note [2].
Copper (salt)	CTR	5 years	5-yr, but no later than May 18, 2010. Bases are CTR and SIP. See note [4]
Mercury PAH EPA 610	Numeric Basin Plan (BP)	10 years	10-yr, but no later than April 28, 2010 , which is 10 years from effective date of SIP (April 28, 2000). Basis is the Basin Plan, See note [2a].
Arsenic Cadmium Chromium (VI) Copper (fresh) Lead Nickel Silver (CMC) Zinc	Numeric BP	10 years	10-yr, but no later than January 1, 2015. This is 10 years (using full months) from effective date of 2004 BP amendment (January 5, 2005). Basis is the Basin Plan section 4.3.5.6. See note [2b]. Also, see note [3] for permits issued prior to effective date of 2004 BP amendment.
Dioxins/Furans Tributyltin Other toxic pollutants not in CTR	Narrative BP using SIP methodology	10 years	10-yr from effective date of permit (which is when new standard is adopted; no sunset date). Basis is the Basin Plan, see note [2c].
Other priority pollutants on CTR and not listed above	CTR	5 years	5-yr, but no later than May 18, 2010 (this is 10 years from effective date of CTR/SIP). Basis is the CTR and SIP. See note [4]

[1] These dates are maximum allowable compliance dates applicable. As required by the Basin Plan, CTR, SIP, and 40CFR122.47, compliance should be as short as possible. These are only applicable for discharges north of the Dumbarton Bridge because applicable criteria for the south bay are different than those cited above.

- For pollutants where there are planned TMDLs or SSOs, and final WQBELs may be affected by those TMDLs and SSOs, maximum timeframes may be appropriate due the uncertain length of time it takes to develop the TMDL/SSO.
- However, for pollutants without planned TMDLs or SSOs, the State Board in the EBMUD remand order (WQO 2002-0012), directs the Regional Board to establish schedules that are as short as feasible in accordance with requirements.

[2] The Basin Plan provides for a 10-year compliance schedule for implementation of measures to comply with new standards as of the effective date of those standards. This provision has been construed to authorize compliance schedules for new interpretations of existing standards, such as the numeric and narrative water quality objectives specified in the Basin Plan, if the new interpretations result in more stringent limits than in the previous permit.

- a. For the numeric standards and objectives in place prior to the SIP (these include the 1995 Basin Plan objectives, and NTR criteria that were implemented in accordance with the Basin Plan), due to the adoption of the SIP, the Water Board has newly interpreted these objectives and standards. The effective date of this new interpretation is the effective date of the SIP (April 28, 2000) for implementation of these numeric Basin Plan objectives.

- b. For numeric objectives for the seven pollutants adopted in the 2004 Basin Plan (amendments), the Water Board has newly adopted these objectives. The effective date of these new objectives is the approval date of the 2004 Basin Plan by U.S. EPA (January 5, 2005) for implementation of these numeric Basin Plan objectives. December is the last full month directly preceding the sunset date. Compliance should be set on the first day of the month to ease determination of monthly average limits. Therefore, compliance must begin on January 1, 2015.
- c. For narrative objectives, the Board must newly interpreted these objectives using best professional judgment as defined in the Basin Plan for each permit. Therefore, the effective date of this new interpretation will be the effective date of the permit.

[3] The schedules established in permits effective prior to the 2004 Basin Plan (amendments) should be continued into subsequent permits reissued after the 2004 Basin Plan. For example, Permit XX, adopted Nov 2004 became effective Feb 1, 2005. Permit XX establishes a compliance schedule for copper to end April 1, 2010. When next reissued in 2010, the compliance deadline for the same copper limit should remain April 1, 2010. However, if in applying the 2004 BP objective results in a more stringent limit for copper, then a new compliance schedule may extend to the new date in 2015, provided discharger XX justifies the need for the longer compliance schedule.

[4] Permits effective after SIP/CTR that specified 5-yr compliance schedules pursuant to SIP §2.1 for CTR pollutants do not qualify for another compliance schedule for those same CTR pollutants during reissuance.

- a. An exception to this would be if new data collected during the term of the permit results in more stringent limitations, then a compliance schedule may be allowable for the more stringent limits up to May 18, 2010.
- b. Another exception applies to pollutants granted a compliance schedule pursuant to the 2000 SIP §2.2.2, Interim Requirements for Providing Data (note 2005 SIP amendment deleted this section as it is not applicable to permits effective after May 18, 2003). Because SIP §2.1 provides for a maximum 5-year compliance schedule, and permittees granted §2.2.2 schedules have not been previously granted such a schedule under §2.1, those permittees who can demonstrate infeasibility to achieve immediate compliance with limits calculated using the data collected, qualify for a §2.1 schedule up to the maximum statutory date (April 28, 2010).

Cyanide was one pollutant for which the Water Board granted a §2.2.2 compliance schedules to collect better ambient data for cyanide, because the Regional Monitoring Program data were not complete primarily due to inadequate detection limits. BACWA and WSPA funded an effort to collect these data as part of the collaborative receiving water monitoring for other CTR pollutants. The Regional Water Board has received these data, which form the basis for current permits. However, upon further consideration, the SIP §2.2.2 compliance schedule was granted in error, because cyanide is an NTR criterion and not a CTR criterion, and the SIP compliance schedule provisions apply to "...CTR criterion and/or effluent limitations." Thus, it is more appropriate to apply the Basin Plan's compliance schedule provision, which was the implementation tool for NTR criteria prior to the SIP superceding the provisions in the Basin Plan related to calculation of water quality based effluent limitations. As such, the compliance schedule for cyanide should follow note [2a], above.