

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2003-0136

NPDES NO. CA0059021

**WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF FILLMORE
(Fillmore Wastewater Treatment Plant)**

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

1. On January 13, 2000, the City of Fillmore (hereinafter Fillmore or Discharger) filed a Report of Waste Discharge (ROWD) and applied to the Regional Board for reissuance of waste discharge requirements and a permit to discharge secondary-treated wastewater, from its treatment facility located in Fillmore, to the Santa Clara River, a water of the State and the United States, under the National Pollutant Discharge Elimination System (NPDES) Permit (NPDES No. CA0059021). Earlier, in 1997, the Discharger submitted an application, prior to expiration of the 1992 NPDES permit through Ventura Regional Sanitation District (VRSD). In a letter dated June 14, 1999, the Discharger's permit was administratively extended beyond the April 1, 1997, expiration date.

PURPOSE OF THIS ORDER

2. This NPDES Permit regulates the discharge of treated wastewater to the Santa Clara River, a water of the State and the United States. This discharge was previously permitted by Waste Discharge Requirements in Order No. 92-023, adopted by this Regional Board on April 20, 1992. This Order is a re-issuance of the waste discharge requirements that have been revised to reflect current wastewater treatment processes and to include additional findings, effluent limitations, prohibitions, updated standard provisions, and an expanded monitoring and reporting program.

FACILITY AND TREATMENT PROCESS DESCRIPTION

3. Fillmore owns the Fillmore Wastewater Treatment Plant (FWTP), a publicly owned treatment works (POTW). Operations Management International, Inc. (OMI) operates the FWTP under contract with Fillmore. The FWTP is a secondary wastewater treatment plant located at "C" Street and River Street, Fillmore, California (Figure 1). The FWTP has a design capacity of 1.3 million gallons per day (mgd) and peak design flow is 2.2 mgd, and serves an approximate population of 14,690 people.
4. The FWTP receives most of the domestic wastewater from the City of Fillmore. There are two industrial discharges within the City of Fillmore: both are packing plants which are not subject to pretreatment regulations [40 Code of Federal Regulations (CFR) Part 403]. Therefore, Fillmore is no longer required to implement a Pretreatment Program.

April 14, 2003

Revised: August 12, 2003

Revised: September 17, 2003

Revised: October 2, 2003

5. The United States Environmental Protection Agency (USEPA) and the Regional Board have classified FWTP as a major Discharger. FWTP has a Threat to Water Quality and Complexity rating of 2-A.
6. The wastewater is treated prior to discharge to five percolation/evaporation ponds in series and/or to a subsurface percolation field regulated under separate Waste Discharge Requirements contained in Order No. 97-038. The subsurface percolation field was constructed at the treatment plant in late 1993 to increase the facility's capacity to dispose of the effluent. As recommended in the CEQA process for the construction of the subsurface percolation field, a monitoring well network was installed. Three groundwater monitoring wells, MW-1, MW-2 and MW-3, were constructed around the subsurface percolation field in February 1994.
7. Treatment at the FWTP consists of a bar screen, comminutor, grit chamber, primary clarifier, trickling filter, secondary clarifier, and chlorination. Solids are removed from the primary and secondary treatment clarifiers and anaerobically treated in two digesters. Approximately every six weeks, solids are removed from the digesters and dried in concrete lined sludge drying beds, and the supernatant is returned to the headworks. The biosolids are transported to Buttonwillow Land and Cattle Company Project, Buttonwillow, for land application. Figure 2 is a schematic of the FWTP wastewater flow.
8. *Storm Water Management.* Fillmore does not treat storm water runoff at the FWTP. The majority of the storm water drains into the percolation ponds located at the facility. During a 100-year return, 24 hour duration storm event, approximately 14 acre-feet of storm water is produced. The percolation ponds do not have the capacity to hold this quantity of storm water. Therefore, pursuant to Section 402(p) of the Federal Clean Water Act, as amended by the Water Quality Act of 1987, and 40 CFR Part 122.26, Fillmore must comply with the requirements for storm water discharges associated with industrial activities.
9. In the past several years, the Discharger violated the secondary treatment based limits for BOD, TSS and coliform on many occasions. The Regional Board has issued Notice of Violations (NOVs) and Administrative Civil Liabilities (ACLs) and, Ordered the City to make the necessary modifications to the Plant to bring it into compliance. Currently, Fillmore is making modifications to its treatment process to achieve higher removal efficiency for BOD, Total Suspended Solids and coliform.
10. On June 10, 2003, Board staff visited the treatment plant and inspected the modifications to the existing plant. Fillmore installed a polymer addition unit to the primary and secondary settling tanks to increase solids settleability. A reverse jack was added to the trickling filter distribution unit to slow the rotation of the arm, to flush the biomass in the trickling filter each night during low demand periods, in order to maximize treatment during the day. Also, modifications were made to the filter pump station to prohibit any flow from bypassing the trickling filter. With the implementation of these modifications, Fillmore expects to improve treatment efficiency.

11. Even with the modifications to FWTP, the Discharger may not be able to achieve full compliance with the prescribed limits for these conventional pollutants. Therefore, Fillmore has requested interim limits for these conventional pollutants according to the secondary treatment standards contained in 40 CFR section 133.105 - Treatment equivalent to secondary treatment. The accompanying Time Schedule Order (TSO) will prescribe interim limits for BOD and TSS according to 40 CFR section 133.105.
12. Currently, Fillmore is in dialogue with City of Santa Paula to build a new Joint Plant (Regional Water Reclamation Plant) in Santa Paula to treat wastewater from both cities. The CEQA process has been underway and both cities expected to begin preparation of an Environmental Impact Report. If successful, both existing plants would be phased out and replaced with the Regional Water Reclamation Plant.

DISCHARGE AND RECEIVING WATER DESCRIPTION

13. When the percolation ponds and subsurface percolation field are unable to dispose of the effluent due to rising groundwater, the effluent is discharged to the Santa Clara River. The surface water discharge accounts for approximately 30% of the total effluent discharged annually.
14. The FWTP discharges to the Santa Clara River from the terminus of Percolation Pond No. 5 through Discharge Serial No. 001 (Latitude 34°23' 23" North, Longitude 118°55' 50" West). The discharge flows to Reach 3 of the Santa Clara River, tributary to the Santa Clara River Estuary, a water of the United States, within the Santa Clara River Watershed.
15. The Santa Clara River receives drainage from a 1,200 square mile area of Los Angeles and Ventura Counties. The River originates in the northern slope of the San Gabriel Mountains in Los Angeles County, traverses Ventura County, and flows into the Pacific Ocean halfway between the cities of San Buenaventura and Oxnard. The Santa Clara River is one of the largest river systems in southern California that remains in a relatively natural state. The Santa Clara River is a high quality natural resource for much of its length. Extensive patches of high quality riparian habitat are present along the length of the river and its tributaries. The endangered fish, the unarmored stickleback, is resident in the river. One of the largest of the Santa Clara River's tributaries, Sespe Creek, is designated a wild trout stream by the State of California and supports significant spawning and rearing habitat. Sespe Creek is also designated a wild and scenic river. Piru and Santa Paula Creeks, which are also tributaries of the Santa Clara River, support good habitat for steelhead. In addition, the river serves as an important wildlife corridor. A lagoon exists at the mouth of the River and supports a large variety of wildlife.

DISCHARGE QUALITY

16. The characteristics of the wastewater discharged, based on data submitted in the monthly discharge monitoring reports for 2002, are as follows:

The “<” symbol indicates that the pollutant was not detected (ND) at that concentration level. It is unknown if the pollutant is present at a lower concentration.

| Constituent | Unit | Average | Maximum | Minimum |
|--|-------------|----------------|----------------|----------------|
| Flow | MGD | 0.881 | 1.006 | 0.813 |
| Flow Peak Max | MGD | 1.617 | 1.790 | 1.450 |
| Flow Peak Min | MGD | 0.168 | 0.290 | 0.09 |
| pH | pH units | 7.342 | 7.95 | 6.68 |
| BOD | mg/L | 38.7 | 58 | 20 |
| Total Dissolved Solids | mg/L | 1100 | 1280 | 1000 |
| Chloride | mg/L | 143.4 | 238 | 52 |
| Boron | mg/L | 1.125 | 1.3 | 0.9 |
| Sulfate | mg/L | 321.8 | 402 | 264 |
| Nitrate-N | mg/L | 0.433 | 1.8 | <0.1 |
| Nitrite-N | mg/L | 0.383 | 1.5 | <0.1 |
| Ammonia-N | mg/L | 12.7 | 17.0 | 9.5 |
| Coliform Fecal | MPN/100 ml | 1264 | 1600 | 30 |
| Coliform | MPN/100 ml | 148 | 1600 | 2 |
| <u>Priority Pollutants that are detected at least once and only the detected values are listed here (1993-2002)</u> | | | | |
| Constituent | Unit | Average | Maximum | Minimum |
| Arsenic | ug/L | 1.43 | 10 | 0.5 |
| Antimony | ug/L | 1.03 | 1.7 | 0.5 |
| Nickel | ug/L | 3.0 | 4.8 | 0.05 |
| Copper | ug/L | 28.89 | 70 | 1 |
| Chromium | ug/L | 1 | 2 | 0.6 |
| Cyanide | ug/L | 0.005 | 0.005 | 0.005 |
| Lead | ug/L | 0.83 | 2.5 | 0.2 |
| Mercury | ug/L | 0.23 | 0.23 | 0.23 |
| Selenium | ug/L | 9.6 | 100 | 0.5 |
| Silver | ug/L | 0.3 | 0.3 | 0.3 |
| Zinc | ug/L | 47.66 | 320 | 0.09 |
| Chloroform | ug/L | 12.05 | 27 | 1.4 |
| Toluene | ug/L | 1.4 | 1.6 | 1.3 |
| Bi(2-ethyhexyl) phthalate | ug/L | 5.46 | 8.4 | 1 |
| 1,1,1-Trichloroethane | ug/ | 0.5 | 0.5 | 0.5 |

Rest of the priority pollutants were not detected. Table 1 summarizes pollutants that are detected at least once and with only detected values.

The Discharger's effluent demonstrated chronic toxicity during the last permit cycle. Based on this information, the Regional Board has determined that there is a reasonable potential that the discharge will cause toxicity in the receiving water. However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 17, 2003, at a public hearing, the State Board decided to defer the issue of numeric chronic toxicity effluent limitations until Phase II of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUC trigger, in the Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar chronic toxicity effluent limitation. This Order also contains a reopener to allow the Regional Board to modify the permit, if necessary, consistent with any new policy, law, or regulation.

APPLICABLE PLANS, POLICIES AND REGULATIONS

17. ***Federal Clean Water Act.*** The federal Clean Water Act (CWA) provides that no person may discharge pollutants from a point source into a water of the United States, except in conformance with an NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect and enhance water quality.
18. ***Sources of Drinking Water Policy.*** On May 19, 1988, the State Board adopted Resolution No. 88-63, *Sources of Drinking Water Policy (SODW)*, which required all Regional Boards to designate all surface and groundwater, with limited exemptions, as suitable or potentially suitable for municipal and domestic supply. On March 27, 1989, the Regional Board adopted Resolution No. 89-03, *Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans (Basin Plans) – Santa Clara River Basin (4A)/Los Angeles River Basin (4B)*.
19. ***Potential Municipal and Domestic Supply (P*).*** To implement Regional Board Resolution No. 89-03 and State Board Resolution No. 88-63, in the 1994 the Basin Plan, the Regional Board designated all inland surface and ground waters in the region as existing, intermittent, and potential Municipal and Domestic Supply (MUN). The potential designation is conditioned that no new effluent limitations will be placed in WDRs until the Regional Board has undertaken a detailed review of the criteria for exempting a water body from the SODW policy, and adopts a Basin Plan Amendment to finalize the designation.

This permit is consistent with the foregoing provision of the Basin Plan.

20. On April 11, 1991, the State Board adopted a *Water Quality Control Plan for Inland Surface Waters of California (ISWP)*. The ISWP contained narrative and numeric water quality criteria for toxic pollutants. The ISWP was challenged on the basis of noncompliance with the California Administrative Procedures Act, CEQA and lack of sufficient economic consideration when adopting the water quality objectives. In

October of 1993, the Superior Court of California, County of Sacramento, issued a tentative decision in favor of the challengers. Final judgments from the Court in July of 1994 ordered the State Board to rescind the ISWP. On September 22, 1994, the State Board formally rescinded the ISWP.

21. The effluent limitations for toxic pollutants in Order No. 92-023, adopted by the Regional Board on April 20, 1992, are based on the ISWP. Since the ISWP was rescinded, the toxic pollutant limitations in existing Order No. 92-023 are invalid.
22. **Basin Plan.** The Board adopted a revised *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) on June 13, 1994, as amended on January 27, 1997, by Regional Board Resolution No. 97-02. This updated and consolidated plan represents the Board's master quality control planning document and regulations. The revised Basin Plan was approved by the State Board and the State of California Office of Administrative Law (OAL) on November 17, 1994, and February 23, 1995, respectively. The Basin Plan (i) designates beneficial uses for surface and groundwater, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated (existing and potential) beneficial uses and conform to the State Antidegradation Policy, and (iii) includes implementation provisions, programs, and policies to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The 1994 update of the Basin Plan has been prepared to be consistent with all State and Regional Board plans and policies adopted from 1994 and earlier. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
23. **Beneficial Uses.** The Basin Plan contains water quality objectives and beneficial uses for the Santa Clara River and contiguous waters.

A. The beneficial uses of the receiving surface water are:

Santa Clara River: Between "A" Street, Fillmore and Freeman Diversion "Dam" near Saticoy - Hydrologic Unit 403.21

Potential: municipal and domestic supply¹ (P*); and,

Existing: industrial service supply; industrial process supply; agricultural supply; groundwater recharge; freshwater replenishment; water contact recreation and non-contact water recreation; warm freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and wetland habitat.

¹ The potential MUN beneficial use for the water body is consistent with Regional Board Resolution 89-03; however the Regional Board has only conditionally designated the MUN beneficial uses and at this time cannot establish effluent limitations designed to protect the conditional designation.

Santa Clara River: Between Freeman Diversion "Dam" near Saticoy and Highway 101 Bridge - Hydrologic Unit 403.21

Potential: municipal and domestic supply¹ (P*); and,

Existing: industrial service supply; industrial process supply; agricultural supply; groundwater recharge; freshwater replenishment; water contact recreation and non-contact water recreation; warm freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and wetland habitat.

Santa Clara River: Between Highway 101 Bridge and Estuary - Hydrologic Unit 403.11

Potential: municipal and domestic supply¹ (P*); and,

Existing: industrial service supply; industrial process supply; agricultural supply; groundwater recharge; freshwater replenishment; water contact recreation and non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and wetland habitat.

Santa Clara River Estuary - Hydrologic Unit 403.11

Existing: navigation; water contact recreation and non-contact water recreation; commercial and sport fishing; estuarine habitat; marine habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and wetland habitat.

- B. There is the potential for public contact in the receiving water downstream of the discharge, therefore, the quality of wastewater discharged to the Santa Clara River and to the Santa Clara River Estuary must be such that no public health hazard is created.
- C. The beneficial uses of the receiving groundwater are:

Santa Clara River Valley - Sespe Creek area (Fillmore Pole Creek Fan area and South side Santa Clara River area) - DWR Basin No. 4-4

Existing: municipal and domestic supply², industrial service supply, industrial process supply, and agricultural supply.

Santa Clara-Santa Paula area (East and West of Peck Road)

² Effluent limits are prescribed to protect the groundwater recharge beneficial use designation.

Existing: municipal and domestic supply², industrial service supply, industrial process supply, and agricultural supply.

Oxnard Plain:

Oxnard Forebay:

Existing: municipal and domestic supply², industrial service supply, industrial process supply, and agricultural supply.

Confined Aquifer

Existing: municipal and domestic supply², industrial service supply, industrial process supply, and agricultural supply.

Unconfined and Perched Aquifer

Existing: municipal and domestic supply², industrial process supply, and agricultural supply.

Potential: industrial service supply.

- D. The requirements in this Order are intended to protect designated beneficial uses and enhance the water quality of the watershed. Effluent limits must protect both existing beneficial uses.
24. **Title 22 of the California Code of Regulations.** The California Department of Health Services establishes primary and secondary maximum contaminant levels (MCLs) for inorganic and organic chemicals and radioactive contaminants in drinking water. These MCLs are codified in Title 22, California Code of Regulations. The Basin Plan (Chapter 3) incorporates Title 22 primary MCLs by reference. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. Title 22 primary MCLs have been used as bases for effluent limitations in WDRs and NPDES permits to protect the groundwater recharge beneficial use when that receiving groundwater is designated as MUN. Also, the Basin Plan specifies that "Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses." Therefore the secondary MCL's, which are limits based on aesthetic, organoleptic standards, are also incorporated into this permit to protect groundwater quality.
25. **Antidegradation Policy.** On October 28, 1968, the State Board adopted Resolution No. 68-16, *Maintaining High Quality Water*, which established an antidegradation policy for State and Regional Boards. Similarly, CWA section 304(d)(4)(B) and 40 CFR section 131.12 require all NPDES permitting actions to be consistent with the federal antidegradation policy. Both state and federal antidegradation policies require that where the quality of the waters exceed levels necessary to support the beneficial uses,

that quality shall be maintained and protected unless allowing lower water quality is necessary to accommodate important economic or social development, and provided the lower water quality is adequate to support the existing beneficial uses.

26. **California Toxics Rule (CTR).** The USEPA promulgated the CTR criteria that became effective on May 18, 2000 (codified as 40 CFR section 131.38). The CTR established water quality criteria for priority toxic pollutants in California's inland surface waterways. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit renewal for an existing discharger if the discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

The human health criteria for carcinogens in the CTR is based on an incremental cancer risk level of one in a million (10^{-6}). USEPA recognizes that adoption of criteria at a different risk factor is outside the scope of the CTR. However, States have the discretion to adopt water quality criteria that result in a higher risk level, if the chosen risk level has been demonstrated to adequately protect the most highly exposed subpopulation, and all necessary public outreach participation has been conducted. This demonstration has not been conducted in California. Further, information that is available on highly exposed subpopulations in California supports the need to protect the general population at the 10^{-6} level. The discharger may undertake a study, in accordance with the procedures set forth in Chapter 3 of USEPA's Water Quality Standards Handbook: Second Edition (EPA-823-B-005a, August 1994) to demonstrate that a different risk level is more appropriate for discharges subject to this Order. Upon completion of the study, the State Board and Regional Board will review the results and determine if the risk level proposed is more appropriate. In the mean time, the State will continue using a 10^{-6} risk level, as it has done historically, to protect the population against carcinogenic pollutants.

27. **State Implementation Plan (SIP).** Anticipating USEPA's promulgation of the CTR, the State 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. The SIP was amended by Resolution No. 2000-30, adopted on April 26, 2000, and the Office of Administrative Law approved the SIP as amended on April 28, 2000. The SIP applies to discharges of toxic pollutants to inland surface waters, enclosed bays and estuaries of California that are subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the Water Code) and the Clean Water Act. The policy provides for the following:
- a. implementation procedures for the CTR priority pollutants criteria and for priority pollutant objectives established by the Regional Boards in their Basin Plans;
 - b. monitoring requirements for priority pollutants with insufficient data to determine reasonable potential;
 - c. monitoring requirements for 2,3,7,8-TCDD equivalents; and,
 - d. chronic toxicity control.

28. **303(d) Listed Pollutants.** On July 25, 2003, USEPA approved the State's most recent list of impaired waterbodies. The list (hereinafter referred to as the 303(d) List) was

prepared in accordance with Section 303(d) of the Federal Clean Water Act to identify specific impaired waterbodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources.

Santa Clara River, Santa Clara River Estuary, and their tributaries are on the 303(d) List. The following pollutants/stressors, from point and non-point sources, were identified as impacting the receiving waters:

Santa Clara River Reach 3 (Dam to above Sespe Creek/ below Timber Canyon) - Hydrologic Unit 403.21

- Ammonia, chloride and total dissolved solids; and,

Santa Clara River Estuary - Hydrologic unit 403.11

- ChemA (aldrin, alpha-hexachlorocyclohexane, beta-hexachlorocyclohexane, gamma-hexachlorocyclohexane, delta-hexachlorocyclohexane, chlordane, dieldrin, alpha-endosulfan, beta-endosulfan, endosulfan sulfate, endrin, endrin aldehyde, heptachlor, heptachlor epoxide, toxaphene) and toxaphene in sediment; and coliform.

The Regional Board revised the 303(d) list in 2002 and submitted the draft to the State Board for approval. The State Board had scheduled the draft 303(d) list, dated October 15, 2002, for approval at two of its meetings, however the item was postponed to hold additional workshops and to allow more time for the public to submit comments. The draft 303(d) list dated October 15, 2002, was revised on January 13, 2003, based on comments received. The draft 303(d) list, dated January 13, 2003, was adopted by the State Board at its February 4, 2003 meeting. The adopted 303(d) list was approved by USEPA on July 25, 2003.

29. ***Relevant Total Maximum Daily Loads.*** A Total Maximum Daily Load (TMDL) is a determination of the amount of a pollutant, from point, non-point, and natural background sources, including a margin of safety, that may be discharged to a water quality-limited water body. Section 303(d) of the CWA established the TMDL process. The statutory requirements are codified at 40 CFR Part 130.7. TMDLs must be developed for the pollutants of concern which impact the water quality of water bodies on the 303(d) List. The Regional Board is developing TMDLs that assess the extent and sources of the chloride, and ammonia and nitrogen problems in the Santa Clara River. According to the TMDL schedule, under the amended consent decree, *Heal the Bay, Santa Monica Bay Keeper, et al. v. Browner, et al.* (March 23, 1999), the chloride TMDL and nitrogen TMDL for the Santa Clara River must be completed by March 2002 and March 2003, respectively. The remaining TMDLs, for coliform, ChemA and toxaphene in the Santa Clara River Estuary are scheduled for completion by Fiscal Years 2005-2006, 2006-2007 and 2006-2007, respectively.

Chloride TMDL and Chloride Limits. On June 18, 2003, two days before the consent decree deadline for the establishment of a chloride TMDL, USEPA Region 9 established the *Total Maximum Daily Load for Chloride in the Santa Clara River, Reach 3 (Chloride TMDL)*. The final effluent limitation for chloride for the Fillmore WWTP is based on the waste load allocation contained in the *Chloride TMDL*.

30. ***Watershed Approach.*** This Regional Board has been working to implement a Watershed Management Approach to address water quality protection in the Los Angeles Region. The objective is to provide a more comprehensive and integrated strategy resulting in water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrological-defined drainage basin or watershed. The Watershed Management Approach emphasizes cooperative relationships between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available. This Order and the accompanying Monitoring and Reporting Program fosters the implementation of this approach by protecting beneficial uses in the watershed. Fillmore has and is continuing to participate on the Santa Clara River Enhancement and Management Plan Steering Committee. The 26-member Steering Committee is currently directing preparation of an Enhancement and Management Plan.

The Steering Committee began by identifying the river's critical issue areas. Six subcommittees worked on determining river dynamics and areas where the interests of diverse groups overlap along the river. The subcommittees developed reports that provide background information, goals and recommendations for the river on the issue areas. A series of computer-based maps have been produced, which are currently being used in a Geographic Information Systems (GIS) overlay process to identify conflicts and opportunities and facilitate decisions regarding use of the river floodplain. Following completion in 1998 of the overlay analysis, a Draft Plan with reach-by-reach analyses was developed and public meetings were held to discuss the Plan. Environmental review of the Draft Plan will be carried out prior to developing the Final Plan. Currently, the Steering Committee is looking for a consultant to put together the CEQA document.

Watershed Management Initiative Chapter. In December 2000, the Regional Board published the *Watershed Management Initiative Chapter* (WMI). This document identifies priorities and resource needs, across programs, in a watershed context. Pursuant to this Regional Board's watershed initiative framework, the Santa Clara River Watershed Management Area was the targeted watershed for fiscal year 2001-2002. The Chapter is currently used both as an outreach and as a planning tool to identify the Region's priorities. Included in each Watershed Section is an overview of that watershed, a description of its water quality problems and issues, an overview of the existing monitoring data, and suggests what further monitoring is required. Information about Santa Clara River Watershed and other watershed in the region can be obtained from Regional Board's web site at <http://www.swrcb.ca.gov/rwqcb4> and clicking on the word "watersheds".

REGULATORY BASIS FOR EFFLUENT LIMITS AND DISCHARGE REQUIREMENTS

31. ***Water Quality Objectives and Effluent Limits.*** Water Quality Objectives (WQOs) and effluent limitations in this permit are based on:

- The State Water Resources Control Board's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (the State Implementation Plan or SIP);
- The plans, policies and water quality standards (beneficial uses + objectives + antidegradation policy) contained in the 1994 *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, as amended;
- Administrative Procedures Manual and Administrative Procedure Updates;
- California Toxics Rule (Federal Register Volume 65, No. 97);
- USEPA Regions 9 & 10 Guidance for Implementing Whole Effluent Toxicity Programs, Final May 31, 1996;
- USEPA Whole Effluent Toxicity (WET) Control Policy, July 1994;
- Applicable Federal Regulations
 - Federal Clean Water Act, and
 - 40 CFR Parts 122, 131, among others; and,
- Best professional judgment (pursuant to 40 CFR 122.44).

Where numeric effluent limitations have not been established in the Basin Plan, 40 CFR Part 122.44(d) specifies that water quality based effluent limits may be set based on USEPA criteria and supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

32. USEPA regulations, policy, and guidance documents upon which Best Professional Judgment (BPJ) was developed may include in part:
- Inspectors Guide for Evaluation of Municipal Wastewater Treatment Plants, April 1979 (EPA/430/9-79-010);
 - Fate of Priority Pollutants in Publicly Owned Treatment Works Pilot Study, October 1979 (EPA-440/1-79-300);
 - Technical Support Document for Water Quality Based Toxics Control, March 1991 (EPA-505/ 2-90-001); and,
 - USEPA NPDES Permit Writers' Manual, December 1996 (EPA-833-B-96-003).
33. **Mass and Concentration Limits.** 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

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

mass-based limits. To account for this, this permit includes both mass and concentration limits for some constituents; however, the mass-based limits are inappropriate during wet weather flows when plant flows may exceed design capacity. Therefore, during storm events when flows exceed design capacity, only concentration-based limits are applicable.

34. **Maximum Daily Effluent Limitations.** Pursuant to 40 CFR section 122.45(d)(2), for a POTW's continuous discharges, all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall, unless impracticable, be stated as average weekly and average monthly discharge limitations. It is impracticable to only include average weekly and average monthly effluent limitations for certain pollutants in the permit, because a single daily discharge of certain pollutants, in excess amounts, can cause violations of water quality objectives. The effects of certain pollutants on aquatic organisms are often rapid. For many pollutants, an average weekly or average monthly effluent limitation alone is not sufficiently protective of beneficial uses. As a result, maximum daily effluent limitations, as referenced in 40 CFR section 122.45(d)(1), are included in the permit for certain constituents as discussed in the Fact Sheet accompanying this Order.

35. **Sewage Sludge.** To implement Section 405(d) of the Clean Water Act, USEPA promulgated 40 CFR Part 503 on February 19, 1993, to regulate the use and disposal of municipal sewage sludge. This regulation was amended on September 3, 1999. The regulation requires that producers of sewage sludge meet certain reporting, handling, and disposal requirements. It is the responsibility of the Fillmore to comply with said regulations that are enforceable by USEPA, because California has not been delegated the authority to implement this program.

The State Board, however, under the authority of the Water Code adopted a statewide general WDRs for the generation, transport, and discharge of biosolids (Order No. 2000-10-DWQ). Other regional boards, particularly those where biosolids are land applied also adopted general WDRs for disposal of biosolids. It is the responsibility of the Discharger to comply with the applicable WDRs.

36. **Storm Water.** Section 402(p) of the Federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges. Pursuant to this requirement, in 1990 USEPA promulgated 40 CFR Part 122.26, which established requirements for storm water discharges under an NPDES program. To facilitate compliance with federal regulations, in 1992 the State Board issued a statewide general permit [NPDES No. CAS000001, reissued on April 17, 1997] to regulate storm water discharges associated with industrial activity applicable to POTWs with a design flow of one mgd or greater. The FWTP has not filed a Notice of Intent to be covered under the general NPDES Permit No. CAS000001, therefore, this Order includes requirements for discharges of storm water.

37. **Clean Water Act Effluent Limitations.** Effluent limitations and toxic effluent standards are established pursuant to Section 301 (Effluent Limitations), Section 302 (Water Quality-Related Effluent Limitations), Section 303 (Water Quality Standards and

Implementation Plans), Section 304 (Information and Guidelines [Effluent]), Section 305 (Water Quality Inventory), Section 307 (Toxic and Pretreatment Effluent Standards), and Section 402 (NPDES) of the CWA. The CWA and amendments thereto are applicable to the discharges herein.

38. **Antibacksliding.** Antibacksliding provisions are contained in Sections 303(d)(4) and 402(o) of the CWA, and in 40 CFR section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions. Section 402(o)(2) outlines six exceptions where effluent limitations may be relaxed. Refer to the fact sheet for a more detailed discussion.
39. **Applicable Water Quality Objectives.** 40 CFR section 122.44(d)(vi)(A) requires the establishment of effluent limitations to attain and maintain applicable narrative water quality criteria to protect the designated beneficial use.

The Basin Plan includes narrative and numeric WQOs. The CTR promulgates numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants. A compliance schedule provision in the SIP authorizes the State to issue schedules of compliance for new or revised NPDES permit limits based on the federal criteria when certain conditions are met.

Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR Part 122.44(d) specifies that water quality based effluent limits may be set based on USEPA criteria and supplemented, where necessary, by site specific characteristics and other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

40. **Types of Pollutants.** For CWA regulatory purposes, pollutants are grouped into three general categories under the NPDES program: conventional, toxic, and non-conventional. By definition, there are five conventional pollutants (listed in 40 CFR 401.16): 5-day biochemical oxygen demand, total suspended solids, fecal coliform, pH, and oil and grease. Toxic or "priority" pollutants are those defined in Section 307(a)(1) of the CWA (and listed in 40 CFR 401.12 and 40 CFR 423, Appendix A) and include metals and man-made organic compounds. Non-conventional pollutants are those which do not fall under either of the two previously described categories and include such parameters as ammonia, nitrogen, phosphorous, chemical oxygen demand, and whole effluent toxicity, etc.
41. **Technology Based Limits for Municipal Facilities (POTWs).** Technology based effluent limits require a minimum level of treatment for industrial/municipal point sources based on currently available treatment technologies while allowing the Discharger to use any available control techniques to meet the effluent limits. The 1972 CWA required POTWs to meet performance requirements based on available wastewater treatment technology. Section 301 of the CWA established a required performance level - referred to as "secondary treatment" - that all POTWs were required to meet by July 1, 1977. More specifically, Section 301(b)(1)(B) of the CWA required that USEPA develop secondary treatment standards for POTWs as defined in Section 304(d)(1). Based on

this statutory requirement, USEPA developed national secondary treatment regulations, which are specified in 40 CFR 133. These technology based regulations apply to all POTWs and identify the minimum level of effluent quality attainable by secondary treatment in terms of five-day biochemical oxygen demand, total suspended solids, and pH.

42. **Water Quality Based Effluent Limits (WQBELs).** Water quality-based effluent limits are designed to protect the quality of the receiving water by ensuring that State water quality standards are met by discharges from an industrial/municipal point source. If, after technology-based effluent limits are applied, a point source discharge still cause, have the reasonable potential to cause, or contribute to an exceedance of an applicable water quality criterion, then 40 CFR 122.44(d)(1) requires that the permit contain a WQBEL. Although the CWA establishes explicit technology-based requirements for POTWs, Congress did not exempt POTWs from additional regulation to protect water quality standards. As a result, POTWs are also subject to WQBELs. Applicable water quality standards for Santa Clara River are contained in the Basin Plan and CTR, as described in previous findings.

The WQBELs in this Order are based on the numeric and narrative water quality objectives (WQOs) in the 1994 Basin Plan as amended, the CTR criteria, Title 22 MCLs, effluent limits in the previous permit, and/or best professional judgment (BPJ) pursuant to Part 122.44. The CTR is comprised of numeric aquatic life criteria for 23 toxic pollutants and human health criteria for 57 toxic pollutants. Federal regulations require that the most stringent of the State and federal criteria/objectives shall be applied to best protect the beneficial uses of the receiving waters.

40 CFR section 122.44(d)(vi)(A) requires the establishment of effluent limitations to attain and maintain applicable narrative water quality criteria to protect the designated beneficial uses. WQBELs may be set based on USEPA criteria and supplemented, where necessary, by other relevant information to attain and maintain the narrative water quality criteria to fully protect the designated beneficial uses.

The CTR and the SIP authorize the State to issue compliance schedules in the permit for new or revised NPDES permit limits based on the CTR criteria, when certain conditions are met.

43. **Water Quality Based Effluent Limits for Toxic Pollutants.** Toxic substances are regulated in this permit by water quality based effluent limitations derived from the 1994 Basin Plan, the CTR, and/or best professional judgment (BPJ) pursuant to Part 122.44. If a discharge causes, has a reasonable potential to cause, or contribute to a receiving water excursion above a narrative or numeric objective within a State water quality standard, federal law and regulations, as specified in 40 CFR 122.44(d)(1)(i), and in part, the SIP, require the establishment of WQBELs that will protect water quality. As documented in the fact sheet, pollutants exhibiting reasonable potential in the discharge, authorized in this Order, are identified in the Reasonable Potential Analysis (RPA) section and have final effluent limits. If final limits are needed, the permit will be reopened and limits will be included in the permit.

44. **Mixing Zones and Dilution Credits.** Mixing zone and dilution credits were not allowed in the calculation of the WQBELs in this Order. While the 1994 Basin Plan and the 2000 SIP provide for mixing zones on a case by case basis, there are criteria that have to be complied with before a mixing zone is allowed. One of the criteria in the Basin Plan is that, for rivers and streams, the mixing zone cannot extend more than 250 feet downstream of the discharge point. The Basin Plan also points out that for most inland streams in the region, upstream flows are minimal and mixing zones are usually not appropriate. In calculating year-round mixing zone and dilution credits, the SIP requires the use of critical stream flow data for acute (1Q10) and chronic (7Q10) aquatic life criteria. 1Q10 is the lowest flow that occurs for one day and 7Q10 is the average low flow that occurs for seven consecutive days, with statistical frequencies of once every 10 years.

On September 24, 2001, Board staff visited the vicinity of the reach of the Santa Clara River where the Fillmore discharge occurs and determined mixing zone and dilution credit are not appropriate for their discharge because of the following:

- a. The City informed Board staff that, during the normal course of the river, the distance between the discharge location and the point where the discharge mixes with the river flow is about 500 feet (During the dry season, the river forms a low flow channel, which is about 20 to 30 feet wide and meanders the river course stretch of 2000 feet. However, during the wet season, the flow in the river significantly varies, depending on the amount of rainfall), which is over the allowed 250 feet maximum.
 - b. There are no extensive flow information available at a location immediately upstream of the discharge point to be considered for mixing zone studies (1Q10 and 7 Q 10 data).
 - c. Board staff also observed that no rapid mixing occurs at the confluence of the discharge and the river, indicative of an incomplete mixing zone.
 - d. The receiving water primarily consists of discharges from various sources and POTWs and, as well as rising groundwater, thus limiting its ability to assimilate additional wastes.
 - e. Reaches of the Santa Clara River, at the discharge point and downstream (estuary), are included in the 303(d) list of impaired water bodies for a number of constituents.
 - f. No report of study for mixing zones has been submitted to the Regional Board.
45. **Ammonia Limits.** The ammonia in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 USEPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and USEPA on April 30, 2003, June 5, 2003, and June 19, 2003 , respectively and is now in effect. The final effluent limitations for ammonia prescribed in this Order are based on the revised ammonia criteria and apply at the end of pipe.

REASONABLE POTENTIAL ANALYSIS

46. **Reasonable Potential Analyses for Toxic Pollutants.** As specified in 40 CFR Part 122.44(d)(1)(i), permits are required to include limits for all pollutants that the Director (defined as the Regional Administrator, State Director, or authorized representative in 40 CFR section 122.2) determines 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. Using the method described in the SIP, Regional Board staff have conducted Reasonable Potential Analyses (RPA) on priority pollutants using the Discharger's monitoring data and other available information regarding the discharge and receiving water. Attachment R summarizes the results of RPA; and where available, the lowest adjusted criteria (C_a) the maximum effluent concentrations (MECs), and the calculated effluent limits.

- a. **RPA Data.** Regional Board staff used priority pollutant data from February 1993 through November 2002 for effluent and July 2001 through November 2002 for ambient water, including the results of the interim monitoring program, in the RPAs.

Chronic Toxicity - A review of the Discharger's effluent data demonstrated chronic toxicity (greater than USEPA's 1Tuc) during the last permit cycle. Based on this information, the Regional Board has determined that there is a reasonable potential that the discharge will cause toxicity in the receiving water and, consistent with SIP section 4, the Order contains a narrative effluent limitation for Chronic Toxicity. The circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were reviewed by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 17, 2003, the State Board decided to defer the numeric chronic toxicity effluent limitations until the adoption of Phase II of the SIP, and replaced the numeric chronic toxicity effluent limitation with a narrative effluent limitation for the time being.

- b. **Interim Monitoring.** In accordance with the SIP and pursuant to Water Code section 13267, the Regional Board required the Discharger to conduct monthly interim monitoring of priority pollutants (except for asbestos and 2,3,7,8-TCDD) in the effluent and receiving water. Monitoring for asbestos and 2,3,7,8-TCDD is semiannual. The goal is to obtain an adequate number of data points for statistical analyses. Interim monitoring started in July 2001 and completed in December 2002. Results of interim monitoring are reported to the Regional Board on a quarterly basis. Interim monitoring data from July 2001 to November 2002 were used in the RPAs.
- c. **Reasonable Potential Determination.** Section 1.3 of the SIP details the procedure in conducting a RPA. The preliminary steps involve the following:
- i. Identifying the lowest or most stringent criterion or water quality objective for the pollutant (C);

- ii. Adjusting the selected criterion/objective (C_a), when appropriate, for hardness, pH, and translators of the receiving water. For this permit, the hardness used was 400 mg/L as CaCO_3 . Ambient hardness ranged from 360 to 622 mg/L averaging 473. The SIP only allows a freshwater maximum hardness of 400 mg/L as CaCO_3 .
- iii. Collating the appropriate effluent data for the pollutant;
- iv. Determining the observed maximum concentration in the effluent (MEC) from the effluent data; and
- v. Determining the observed maximum ambient background concentration of the pollutant (B).

There are three tiers in determining reasonable potential:

- ◆ For the first tier, the MEC is compared with the adjusted lowest applicable water quality objective or criterion (C_a). If the pollutant was not detected in any samples and the reported detection limits were below C_a , the lowest detection limit is used as the MEC. If the MEC is greater than C_a , then there is reasonable potential for the constituent to cause or contribute to an excursion above C_a and a WQBEL must be prescribed. If the MEC is less than C_a or if the pollutant were not detected in any of the effluent samples and all of the reported detection limits were greater than or equal to C_a , proceed with Tier 2.
 - ◆ For the second tier, if the MEC is less than C_a or if the pollutant was not detected in any of the effluent samples and all of the detection limits were greater than or equal to C_a , then the observed maximum ambient background concentration (B) of the pollutant is compared with C_a . If B is greater than C_a , then a WQBEL is required. If B is less than C_a , proceed to Tier 3.
 - ◆ For the third tier, other information available, such as the CWA 303(d) List and fish advisories, is reviewed to determine RPA,. Section 1.3 of the SIP describes the type of information that can be considered in Tier 3. If the review indicates the need for a WQBEL to protect the beneficial uses, regardless of the results of Tier 1 and Tier 2, a WQBEL is prescribed.
- d. When reasonable potential exists, WQBELs are calculated, following procedures in SIP. However, if the pollutant has an MCL, Regional Board staff compares the WQBEL with the MCL-based WQBEL and selects the more stringent of the two as the limit.
47. The following toxic pollutants exhibited reasonable potentials to exceed their respective most stringent water quality objective or criterion, therefore, WQBELS are prescribed in this Order: bis(2-ethylhexyl)phthalate, copper, mercury, selenium. WQBELS for bis(2-ethylhexyl)phthalate and MBAS are based on Title 22, CCR MCLs, and the others are based on the CTR criteria.

The existing permit has limits which were based on the Inland Surface Water Plan (ISWP). As the ISWP was rescinded, the limits are not retained for these pollutants unless there is reasonable potential.

48. ***Pollutant Minimization Program and Toxicity.*** For some priority pollutants, the applicable water quality objectives or criteria are below the levels that current technology can measure. Section 2.4.5 of the SIP provides how compliance will be determined in those cases. This Order requires the Discharger to conduct a Pollutant Minimization Program, as described in section 2.4.5.1, when there is evidence that the priority pollutant is present in the effluent above an effluent limitation. The Discharger is also required to work with its laboratory to lower detection levels. Also, to determine the impact of pollutants that could not be measured by current technology and the synergistic effect of all pollutants, this Order prescribes toxicity effluent limitations.
49. ***Basis for Effluent Limits for 303(d) Listed Pollutants.*** For 303(d) listed pollutants, the Regional Board plans to develop and adopt total maximum daily loads (TMDLs) that will specify wasteload allocations (WLAs) for point sources and load allocations (LA) for nonpoint sources. Following Regional Board adoption of the TMDLs, this Order may be reopened to include the results of the TMDLs. In the absence of a TMDL, the permits will include WQBELs derived as provided in the CTR, SIP, and other applicable guidance using best professional judgment. These WQBELs are applied at end-of-pipe but not at the end of treatment from which the effluent from the treatment plant is discharged to percolation ponds. The treated effluent is discharged to five percolation ponds, located adjacent to the treatment plant that are connected in series. When the these ponds reach capacity, the effluent is discharged from the last pond (#5) in series to the Santa Clara River.
50. This Order is consistent with State and Federal antidegradation policies in that it does not authorize a change in the quantity of wastewater discharged by the facility, nor does it authorize a change or relaxation in the manner or level of treatment. As a result, both the quantity and quality of the discharge are expected to remain the same consistent with antidegradation policies. The accompanying monitoring and reporting program requires continued data collection and if monitoring data show a reasonable potential for a constituent to cause or contribute to an exceedance of water quality standards, the permit will be reopened to incorporate appropriate WQBELs. Such an approach ensures that the discharge will adequately protect water quality standards for potential and existing uses and conforms with antidegradation policies and antibacksliding provisions.
51. The requirements contained in this Order were developed in accordance with the foregoing laws, regulations, plans, policies, and guidance and procedures. Specific effluent limitations for each constituent were derived using best professional judgment and are based on the Basin Plan; Federal and State water quality criteria, plans, policies, and guidelines; and plant performance. The specific methodology and example calculations are documented in the fact sheet prepared by Regional Board staff that accompanies this Order. As they are met, the requirements will protect and maintain the beneficial uses of the receiving water.

INTERIM LIMITS

52. 40 CFR Part 131.38(e) provides conditions under which interim effluent limits and compliance schedules may be issued, but the current Basin Plan does not allow the inclusion of interim limits and compliance schedules within NPDES permits. However, the SIP does allow inclusion of an interim limit within an NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based, and if the previous permit did not contain an effluent limit for that priority pollutant.
53. The FWTP may not be able to achieve immediate compliance with the limits for copper, selenium and mercury contained in Section I.A.2.b. Data submitted in previous discharge monitoring reports indicate that these constituents have been detected in the effluent, at least once, at a concentration greater than the new limits proposed in this Order. Interim limits for copper, selenium and mercury are contained in this Order. Interim limits for bis(2-ethylhexyl)phthalate and MBAS are contained in the accompanying Time Schedule Order.
54. The limitations contained in this Order are intended to protect and maintain existing and potential beneficial uses of the receiving waters. Environmental benefits provided by these limitations are reasonable and necessary.

CEQA AND NOTIFICATION

55. The action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code §21100, et. seq.) in accordance with California Water Code §13389.
56. The Regional Board has notified the Discharger and interested agencies and persons of its intent to renew waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
57. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
58. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to §402 of the Federal Clean Water Act, or amendments thereto, and is effective 50 days from the date of adoption because of significant public comment, in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.
59. Pursuant to California Water Code Section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order.

IT IS HEREBY ORDERED that the City of Fillmore as owner of the Fillmore Wastewater Treatment Plant, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Effluent Limitations

1. Wastes discharged shall be limited to treated municipal and industrial wastewater only, as proposed in the ROWD and storm water.
2. The discharge of an effluent with constituents in excess of the following limits is prohibited

a. Conventional and non-conventional pollutants:

| <u>Constituent</u> | <u>Units</u> | <u>Discharge Limitations</u> | | |
|--|----------------------|--|---------------------------|--------------------------------------|
| | | <u>Monthly¹ Average</u> | <u>Weekly Average</u> | <u>Daily² Maximum</u> |
| Biochemical oxygen demand (BOD ₅ 20° C) | mg/L | 30 | 45 | --- |
| | lbs/day ³ | 550 | 827 | --- |
| Suspended solids | mg/L | 30 | 45 | --- |
| | lbs/day ³ | 550 | 827 | --- |
| Oil and grease | mg/L | 10 | --- | 15 |
| | lbs/day ³ | 184 | --- | 276 |

¹ As defined in Standard Provisions, Attachment N.

² The daily maximum effluent concentration limit shall apply to both flow weighted 24-hour composite samples and grab samples, as specified in the Monitoring and Reporting Program, Attachment T.

³ The mass-based limit is based on the average annual NPDES flow of 2.2 mgd and does not apply during storm events.

⁴ Based on the waste load allocation contained in the chloride TMDL established by USEPA in June 18, 2003.

@ The nitrogen TMDL was adopted by the Regional Board in August 2003 and pending USEPA, State Board and OAL approval. When TMDL interim limit becomes effective, it will supersede the recommended 8 mg/L limit.

* Fillmore must comply with the updated ammonia water quality objectives in the Basin Plan Table 3-1 (Attachment H) which resulted from Resolution No. 2002-011 adopted by the Regional Board on April 25, 2002.

For compliance with Criteria Maximum Concentration (CMC) is the Attachment H, the pH sample collected in the receiving water downstream of the discharge and the ammonia nitrogen sample collected in the effluent, shall be taken and reported at the same time. Shall there be no receiving water present, the pH of the effluent at the end of pipe shall be determined and reported.

Fillmore must comply with the updated ammonia water quality objectives in the Basin Plan, Table 3-3 (Attachment H) which resulted from Resolution No. 2002-001 adopted by the Regional Board on April 25, 2002.

For compliance with Criteria Continuous Concentration (CCC) is the Attachment H, the pH and temperature samples collected in the receiving water downstream of the discharge and the ammonia nitrogen sample collected in the effluent, shall be taken and reported at the same time. Shall there be no receiving water present, the pH and temperature of the effluent at the end of pipe shall be determined and reported.

| Constituent | Units | Discharge Limitations | | |
|------------------------|----------------------|---------------------------------|-------------------|-------------------------------|
| | | Monthly ¹ Average | Weekly Average | Daily ² Maximum |
| Settleable solids | ml/L | 0.1 | --- | 0.3 |
| Nitrate-Nitrogen + | mg/L | 5 [@] | --- | --- |
| Nitrite-Nitrogen | lbs/day ³ | 92 | --- | --- |
| Nitrite-Nitrogen | mg/L | 1 | --- | --- |
| | lbs/day ³ | 18.4 | --- | --- |
| Total dissolved solids | mg/L | 1,300 | --- | --- |
| | lbs/day ³ | 23,920 | --- | --- |
| MBAS | mg/L | 0.5 | --- | --- |
| | lbs/day ³ | 9.4 | --- | --- |
| Sulfate | mg/L | 650 | --- | --- |
| | lbs/day ³ | 11,960 | --- | --- |
| Chloride | mg/L | --- | --- | 80 ⁴ |
| | lbs/day ³ | --- | --- | --- |
| Boron | mg/L | 1.5 | --- | --- |
| | lbs/day ³ | 28 | --- | --- |
| Fluoride | mg/L | 1.5 | --- | --- |
| | lbs/day ³ | 28 | --- | --- |
| Total Ammonia | mg/L | # | --- | * |
| Residual chlorine | mg/L | | | 0.1 ^{9,10} |
| | lbs/day ³ | | | 1.84 |

Average Monthly Discharge Limitation means the highest allowable average of daily discharge over a calendar month, calculated as the sum of all daily discharges measures during that month divided by the number of days on which monitoring was performed.

Average Weekly Discharge Limitation means the highest allowable average of daily discharge over a calendar week, calculated as the sum of all daily discharges measures during that week divided by the number of days on which monitoring was performed.

b. Toxic pollutants:

| CTR # | Constituent | Units | Discharge Limitations ⁷ | |
|-------|----------------------------|----------------------|------------------------------------|-------------------------------|
| | | | Monthly Average ¹ | Daily Maximum ² |
| 68 | Bis(2-Ethylhexyl)Phthalate | µg/L | 4 ⁶ | ----- |
| | | lbs/day ³ | 0.073 | |
| 6 | Copper ⁵ | µg/L | 24 ⁷ | 52 ⁷ |

⁵ Concentration expressed as total recoverable.

⁶ RPA triggered limit based on Title 22 MCL because it is more stringent than the proposed CTR-based limit.

⁷ RPA triggered limits based on CTR/SIP.

| <u>CTR #</u> | <u>Constituent</u> | <u>Units</u> | <u>Discharge Limitations⁷</u> | |
|--------------|-----------------------|----------------------|--|----------------------------------|
| | | | <u>Monthly Average¹</u> | <u>Daily Maximum²</u> |
| | | lbs/day ³ | 0.44 | 0.95 |
| 10 | Selenium ⁵ | µg/L | 4.4 ⁷ | 7 ⁷ |
| | | lbs/day ³ | 0.08 | 0.13 |
| 8 | Mercury ⁵ | µg/L | 0.05 ⁷ | 0.1 ⁷ |
| | | lbs/day ³ | 0.0009 | 0.0018 |

3. Interim Effluent Limitations

- a. Fillmore shall comply immediately with the following interim effluent limits until September 10, 2008. Thereafter, the Discharger shall comply with the limitations specified in Section I.A.2.b.

| <u>CTR #</u> | <u>Constituent</u> | <u>Units</u> | <u>Monthly Average⁸</u> |
|--------------|-----------------------|--------------|------------------------------------|
| 6 | Copper ⁵ | µg/L | 70 |
| 10 | Selenium ⁵ | µg/L | 6.3 |
| 8 | Mercury ⁵ | µg/L | 0.3 |

- b. The Discharger shall submit quarterly progress reports (January 15, April 15, July 15 and October 15) to describe the progress of studies and/or actions undertaken to reduce these compounds in the effluent, and to achieve compliance with the final effluent limits in this Order by September 10, 2008. The first progress report shall be received at the Region Board by January 15, 2004.

B. OTHER EFFLUENT LIMITATIONS

- The pH of wastes discharged shall at all times be within the range of 6.5 to 8.5.
- The temperature of wastes discharged shall not exceed 80°F.

⁸ Interim limits prescribed as maximum detected effluent concentration or based on P-limit calculations. P-limit monthly average interim effluent limit was derived statistically as the 99% confidence level of the 95th percentile, using the P-limit software. This program incorporates the procedure in Appendix E of *the Technical Support Document (TSD) For Water Quality-based Toxics Control [EPA/505/2-90-001]* for the limit calculation.

⁹ Total residual chlorine concentration excursions of up to 0.3 mg/L, at the point in treatment train immediately following dechlorination, shall not be considered violations of this requirement provided the total duration of such excursions do not exceed 15 minutes during any calendar day. Peaks in excess of 0.3 mg/L lasting less than one minute shall not be considered a violation of this requirement.

¹⁰ For total residual chlorine, this is the instantaneous maximum effluent limitation.

3. Radioactivity of the wastes discharged shall not exceed the limits specified in Title 22, Chapter 15, Article 5, Section 64443, of the California Code of Regulations, or subsequent revisions.
4. In accordance with 40 CFR Parts 133.102(a)(3) and 133.102(b)(3), for BOD and total suspended solids, respectively, the 30-day average percent removal shall not be less than 85 percent. Percent removal is defined as a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for the same time period.
5. The wastes discharged to water courses shall at all times be adequately disinfected. For the purpose of this requirement, the wastes shall be considered adequately disinfected if the median number of coliform organisms at some point in the treatment process does not exceed 2.2 per 100 milliliters, and the number of coliform organisms does not exceed 23 per 100 milliliters in more than one sample within any 30-day period. The median value shall be determined from the bacteriological results of the last seven (7) days for which analysis has been completed. Samples shall be collected at a time when wastewater flow and characteristics are most demanding on treatment facilities and the disinfection processes.
6. For the protection of the water contact recreation beneficial use, the wastes discharged to water courses shall have received adequate treatment, so that the turbidity of the wastewater does not exceed: 5 Nephelometric turbidity units NTUs
7. To protect underlying groundwater basins, pollutants shall not be present in the wastes discharged at concentrations that pose a threat to groundwater quality.

C. Receiving Water Limitations

1. For waters designated with a warm freshwater habitat (WARM) beneficial use, the water temperature shall not be altered by more than 5°F above the natural temperature, at receiving water monitoring station, R-2, located downstream of the discharge point. The natural temperature of the receiving water shall be determined at receiving water monitoring station, R-1, located upstream of the discharge point.
2. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of wastes discharged. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of wastes discharged.

3. The dissolved oxygen in the receiving water shall not be depressed below 5 mg/L as a result of the wastes discharged.
4. The fecal coliform concentration in the receiving water shall not exceed the following limits as a result of the waste discharged:
 1. Geometric Mean Limits
 - a. E. coli density shall not exceed 126/100 ml.
 - b. Fecal coliform density shall not exceed 200/100 ml.
 2. Single Sample Limits
 - a. E. coli density shall not exceed 235/100 ml.
 - b. Fecal coliform density shall not exceed 400/100 ml.

The geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).

If any single sample limits are exceeded, the Regional Board may require repeat sampling on a daily basis until sample falls below the single sample limit in order to determine the persistence of the exceedance.

When repeat sampling is required because of an exceedance of any one single sample limit, values from all samples collected during that 30-day period will be used to calculate the geometric mean.

5. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits as a result of waste discharged:
 - a. Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%; and,
 - b. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.
6. The wastes discharged shall not produce concentrations of toxic substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life.
7. The wastes discharged shall not cause concentrations of contaminants to occur at levels that are harmful to human health in waters which are existing or potential sources of drinking water.

8. The concentrations of toxic pollutants in the water column, sediments, or biota shall not adversely affect beneficial uses as a result of the wastes discharged.
9. The wastes discharged shall not contain substances that result in increases in BOD which adversely affect the beneficial uses of the receiving waters.
10. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
11. The wastes discharged shall not cause the receiving waters to contain any substance in concentrations that adversely affect any designated beneficial use.
12. The wastes discharged shall not alter the natural taste, odor, and color of fish, shellfish, or other surface water resources used for human consumption.
13. The wastes discharged shall not result in problems due to breeding of mosquitoes, gnats, black flies, midges, or other pests.
14. The wastes discharged shall not result in visible floating particulates, foams, and oil and grease in the receiving waters.
15. The wastes discharged shall not alter the color of the receiving waters; create a visual contrast with the natural appearance of the water; nor cause aesthetically undesirable discoloration of the receiving waters.
16. The wastes discharged shall not contain any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses of the receiving waters. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life as a result of the wastes discharged.

D. TOXICITY REQUIREMENTS:

1. ACUTE TOXICITY LIMITATION AND REQUIREMENTS FOR EFFLUENT

- a. The acute toxicity of the effluent shall be such that: (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70 % survival.
- b. If either of the above requirements I.D.1.a.i. or I.D.1.a.ii. is not met, the Discharger shall conduct six additional tests over a six-week period. The

Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume testing at the regular frequency as specified in the monitoring and reporting program. However, if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the sources of toxicity. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet the limits.

- c. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70 % survival, the Discharger shall immediately implement the Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan described later in this section.
- d. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program CI 6523 (Attachment T).

2. CHRONIC TOXICITY REQUIREMENTS FOR EFFLUENT

- a. The chronic toxicity of the effluent shall be expressed and reported in toxic units (TU_c) where:

$$TU_c = \frac{100}{NOEC}$$

The No Observable Effect Concentration (NOEC) is expressed as the maximum percent effluent concentration that causes no observable effect on test organisms, as determined by the results of a critical life stage toxicity test.

- b. There shall be no chronic toxicity in the effluent discharge.
- c. If the chronic toxicity of the effluent exceeds the monthly median of 1.0 TU_c , the Discharger shall immediately implement an accelerated chronic toxicity testing program according to Monitoring and Reporting Program CI 6523, Item VII.D.2.d.. If any three out of the initial test and the six accelerated tests exceed 1.0 TU_c , the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan .
- d. The Discharger shall conduct chronic toxicity monitoring as specified in Monitoring and Reporting Program No. 6523 (Attachment T).

- e. This permit may be reopened to include effluent limitations for pollutants found to be causing chronic toxicity and to include numeric chronic toxicity effluent limitations based on direction from the State Water Resources Control Board or failure of the District to comply fully with the TRE/TIE requirements.

3. CHRONIC TOXICITY REQUIREMENTS FOR RECEIVING WATER

- a. There shall be no chronic toxicity in ambient waters as a result of wastes discharged.
- b. Receiving water and effluent toxicity testing shall be performed concurrently on the same day or as close to each other as possible.
- c. If the chronic toxicity in the receiving water at the monitoring station immediately downstream of the discharge exceeds 1.0 TU_c in a critical life stage test and the toxicity cannot be attributed to upstream toxicity, as assessed by the Discharger, then the Discharger shall immediately implement an accelerated chronic toxicity testing according to Monitoring and Reporting Program CI 6523, section VI.D.2.d. If two of the six tests exceed 1.0 TU_c, the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan.
- d. If the chronic toxicity of the receiving water upstream of the discharge is greater than the downstream chronic toxicity and the TU_c of the effluent chronic toxicity test is less than 1 TU_c, then accelerated monitoring need not be implemented.

4. PREPARATION OF AN INITIAL INVESTIGATION TRE WORKPLAN

The Discharger shall submit a detailed copy of the Discharger's Initial Investigation TRE Workplan to the Executive Officer of the Regional Board for approval within 90 days of the effective date of this permit. The Discharger shall use EPA manuals EPA/833B-99/002 (municipal) as guidance, or most current version. At a minimum, the TRE Work Plan must contain the provisions in Attachment C. This Workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

- a. 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;
- b. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in operation of the facility; and,

- c. If a TIE is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor). See MRP Section for guidance manuals.

II. SLUDGE REQUIREMENTS

- A. The Discharger shall comply with the requirements of 40 CFR Part 503, in general, and in particular the requirements in Attachment B of this Order, [*Biosolids Use and Disposal Requirements*]. These requirements are enforceable by the USEPA.
- B. The Discharger shall comply, if applicable, with the requirements in State issued statewide general Waste Discharge Requirements (WDRs) Order No. 2000-10-DWQ, titled "General waste Discharge Requirements for the Discharge of Biosolids to Land for use as a soil Amendment in Agricultural, Silvicultural and Horticultural and Land Reclamation Activities" adopted in August 2000.
- C. The Discharger shall comply, if applicable, with WDRs issued by other Regional Boards to which jurisdiction the biosolids are transported and applied.

The Discharger shall furnish this Regional Board with a copy of any report submitted to USEPA, State Board or other regional board with respect to municipal sludge or biosolids.

III. PROVISIONS

- A. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- B. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and all federal regulations established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, 316, 403 and 405 of the Federal Clean Water Act and amendments thereto.
- C. This Order includes the attached Stormwater Pollution Prevention Plan (SWPPP) and "Standard Provisions and General Monitoring and Reporting Requirements" (Attachment N). If there is any conflict between provisions stated hereinbefore and the attached "Standard Provisions", those provisions stated herein prevail.
- D. This Order includes the attached Monitoring and Reporting Program (Attachment T). If there is any conflict between provisions stated in the Monitoring and Reporting Program and the "Standard Provisions" (Attachment N), those provisions stated in the Monitoring and Reporting Program prevail.
- E. This Order includes the attached Stormwater Pollution Prevention Plan (SWPPP) (Attachment A).
- F. Compliance Determination

1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement III. A. of *M&RP*), then the Discharger is out of compliance.
2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
 - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
 - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect four additional samples at approximately equal intervals during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, , whichever is later.

When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement III. A. of *M&RP*), the numerical average of the analytical results of these five samples will be used for compliance determination.

When one or more sample results are reported as “Not-Detected (ND)” or “Detected, but Not Quantified (DNQ)” (see Reporting Requirement III. D. of *M&RP*), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.
 - c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
 - d. If only one sample was obtained for the month or more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.
3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation and greater than or equal to the Reported Minimum Level, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, [provided that the applicable ML is used.](#)

4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and
 - a. If the number of measurements (n) is odd, then the median will be calculated as $X_{(n+1)/2}$, or
 - b. If the number of measurements (n) is even, then the median will be calculated as $[X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the $n/2$ and $n/2+1$ data points.

Consecutive exceedances of the coliform Weekly median effluent limitation, which take place within a calendar week and result from a single operational upset, shall be treated as a single violation.

- G. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for “Not Detected” (ND) and the estimated concentration for “Detected, but Not Quantified” (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.E.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

H. Pollutant Minimization Program (PMP)

1. The goal of the PMP is to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures, in order to maintain the effluent concentration at or below the effluent limitation.

Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The completion of a Pollution Prevention Plan, required in accordance with California Water Code Section 13263.3 (d) shall fulfill the PMP requirements in this section.

2. The Discharger shall develop a PMP if all of the following conditions are true, and shall submit the PMP to the Regional Board within 90 days of determining the conditions are true:
 - a. The calculated effluent limitation is less than the reported minimum level;
 - b. The concentration of the priority pollutant is reported as “Detected, but Not Quantified”, DNQ;

- c. There is evidence showing that the priority pollutant is present in the effluent above the calculated effluent limitation.
3. The Discharger shall also develop a PMP if all of the following conditions are true, and shall submit the PMP to the Regional Board within 90 days of determining the conditions are true:
 - a. The calculated effluent limitation is less than the method detection limit;
 - b. The concentration of the pollutant is reported as "Not-Detected", ND;
 - c. There is evidence showing that the priority pollutant is present in the effluent above the calculated effluent limitation.
4. The Discharger shall consider the following in determining whether the priority pollutant is present in the effluent at levels above the calculated effluent limitation:
 - a. health advisories for fish consumption;
 - b. presence of whole effluent toxicity;
 - c. results of benthic or aquatic organism tissue sampling;
 - d. sample results from analytical methods more sensitive than methods included in the permit;
 - e. the concentration of the pollutant is reported as DNQ and the effluent limitation is less than the method detection limit.
5. Elements of a PMP. The PMP shall include actions and submittals acceptable to the Regional Board including, but not limited to, the following:
 - a. An annual review and semi-annual monitoring of potential sources of the reportable pollutant, which may include fish tissue monitoring and other bio-uptake sampling;
 - b. Quarterly monitoring for the reportable priority pollutant in the influent to the wastewater treatment system;
 - c. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant in the effluent at or below the calculated effluent limitation;
 - d. Implementation of appropriate cost-effective control measures for the priority pollutant, consistent with the control strategy; and,

- e. An annual status report that shall be sent to the Regional Board including:
- All PMP monitoring results for the previous year;
 - A list of potential sources of the reportable pollutant;
 - A summary of all action taken in accordance with control strategy; and,
 - A description of actions to be taken in the following year.
- I. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.
- J. The Discharger shall protect the facility from inundation which could occur as a result of a flood having a predicted frequency of once in 100 years.

IV. REOPENERS and MODIFICATIONS

- A. This Order may be reopened and modified, in accordance with SIP section 2.2.2.A to incorporate the results of revised reasonable potential analyses to be conducted upon receipt of any additional data provided.
- B. This Order may be modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124 to include requirements for the implementation of the watershed protection management approach.
- C. The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.
- D. This Order may also be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR Parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the District for an Order modification, revocation and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- E. This Order may be modified, in accordance with the provisions set forth in 40 CFR Parts 122 to 124, to include new MLs.

- F. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of the ammonia or chloride objective, or the adoption of a TMDL for the Santa Clara River Watershed.

V. EXPIRATION DATE

This Order expires on September 10, 2008.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VI. RESCISSION

Order No. 92-023, adopted by this Regional Board on April 20, 1992, is hereby rescinded, except for enforcement purposes.

I, Dennis A. Dickerson, 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, Los Angeles Region, on October 2, 2003.

Dennis A. Dickerson
Executive Officer

/NJ

FIGURE 1

FIGURE 2

TABLE 1

TABLE 1 (continued)