

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

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**ORDER NO. R5-2007-0098  
NPDES NO. CA0084069**

**WASTE DISCHARGE REQUIREMENTS FOR THE  
TEHAMA COUNTY SANITATION DISTRICT NO. 1  
MINERAL WASTEWATER TREATMENT PLANT  
TEHAMA COUNTY**

The following Discharger is subject to waste discharge requirements as set forth in this Order:

**Table 1. Discharger Information**

<b>Discharger</b>	Tehama County Sanitation District No. 1
<b>Name of Facility</b>	Mineral Wastewater Treatment Plant
<b>Facility Address</b>	37735 Highway 36E
	Mineral, CA 96063
	Tehama County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a <b>minor</b> discharge.	

The discharge by the Tehama County Sanitation District No. 1 from the discharge point identified below is subject to waste discharge requirements as set forth in this Order:

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
001	Treated Wastewater	40°, 20', 54" N	121°, 37', 25" W	South Fork Battle Creek (tributary to Battle Creek)

**Table 3. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b>August 2, 2007</b>
This Order shall become effective on:	<b>September 21, 2007</b>
This Order shall expire on:	<b>September 1, 2012</b>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	<b><u>180 days prior to the Order expiration date</u></b>

IT IS HEREBY ORDERED, that Order No. R5-2002-0115 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on August 2, 2007.

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PAMELA C. CREEDON, Executive Officer

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**I. FACILITY INFORMATION**

The following Discharger is subject to waste discharge requirements as set forth in this Order:

**Table 4. Facility Information**

<b>Discharger</b>	Tehama County Sanitation District No. 1
<b>Name of Facility</b>	Mineral Wastewater Treatment Plant, Mineral
<b>Facility Address</b>	37735 Highway 36E
	Mineral, CA 96063
	Tehama County
<b>Facility Contact, Title, and Phone</b>	Gary Antone, Executive Director, 530-385-1462
<b>Mailing Address</b>	9380 San Benito Ave, Gerber CA 96035
<b>Type of Facility</b>	Publicly Owned Treatment Works
<b>Facility Design Average Dry Weather Influent Flow</b>	0.070 mgd (million gallons per day)
<b>Facility Design Peak Wet Weather Flow</b>	0.75 mgd

**II. FINDINGS**

The California Regional Water Quality Control Board, Central Valley Region (hereinafter Regional Water Board), finds:

**A. Background.** Tehama County Sanitation District No. 1 (hereinafter Discharger) is currently discharging pursuant to Order No. R5-2002-0115 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0084069. The Discharger submitted a Report of Waste Discharge, dated January 16, 2007, and applied for a NPDES permit renewal to discharge up to 0.75 million gallons per day (mgd) of treated wastewater (Design Average Peak Wet Weather Flow) from Mineral Wastewater Treatment Plant, hereinafter Facility. The application was deemed incomplete on January 31, 2007, and requested additional information. The additional information was received on March 21, 2007, and the application was deemed complete.

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

**B. Facility Description.** The Discharger owns and operates the Mineral Wastewater Treatment Plant. The treatment system consists of a bar screen, flow measurement device, aeration basin, two 2.5-acre evaporation/percolation ponds, pressure filter, chlorine disinfections unit, and dechlorination unit. The design average dry weather

flow to the treatment plant is 0.07 mgd. Wastewater is discharged from Discharge Point 001 (see table on cover page) to the South Fork of Battle Creek, a water of the United States, and a tributary to Battle Creek within the Battle Creek Hydrologic Subarea No. 507.12, as depicted on the interagency hydrologic maps prepared by the Department of Water Resources in August 1986. During the last 10 years of operation, the Facility has only discharge a total of 11 days (10 days between 1997 and 2002, and only one day between 2002 and 2006. Between November 15 and April 15, wastewater may be discharged to South Fork Battle Creek, a water of the United States within the Sacramento River Watershed, but only when the South Fork Battle Creek flow is 35 cubic feet per second (cfs) or more. Additionally, discharge to the South Fork Battle Creek is prohibited from April 16 to November 14. Exceptions to this prohibition may be granted by the Executive Officer during emergency circumstances, if the Discharger has previously undertaken a program of adequate maintenance and improved disinfection (See General Provision VI.C.6.d).

- C.** Attachment B provides a location map Attachment C-1 provides a flow schematic of the Facility, and Attachment C-2 is an aerial photograph of the Facility.
- D. Legal Authorities.** This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
- E. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E are also incorporated into this Order.
- F. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- G. Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations (CFR)<sup>1</sup> require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at Part 133 **and/or** Best Professional

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<sup>1</sup> All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

Judgment (BPJ) in accordance with Part 125, section 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

**H. Water Quality-based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. Based on previous California Toxic Rule (CTR) sampling, the Regional Water Board finds that there is not sufficient information to determine if the discharge has a reasonable potential to cause or contribute to an in-stream excursions above applicable water quality standards, and therefore, water quality based effluent limitations for CTR parameters are not included in this Order for pollutants that were not already regulated by Order No. R5-2002-0115. Sufficient data is not available, or the data provided is questionable in regards to quality assurance/quality control issues. The Discharger only discharged during one day in the last permit cycle (December 30, 2005). The Discharger did not sample the effluent for CTR constituents, and therefore all of the CTR data analytical was collected from the ponds, and not the filtered disinfected effluent. This Order requires additional sampling and reporting to make a determination if effluent limits are required for the CTR parameters. A total of four samples (effluent and receiving water) during the first 2 year after adoption will be collected and analyzed to determine if there is the reasonable potential of the effluent to cause an in-stream excursions above applicable water quality standards. If there is a reasonable potential, then the Order will be reopened and effluent limits will be assigned to the CTR parameters as applicable. All four samples will be collected from the filtered disinfected effluent, and they are required to be collected between November 15 and April 15. Two CTR samples will be collected during the first period (November 15, 2007 – April 15, 2008), and the other two samples will be required to be collected during the second period (November 15, 2008 – April 15, 2009).

The wastewater in the ponds is not representative of the final effluent because filtration would reduce the concentrations of pollutants in the discharge such as total metals. The Discharger made modifications to the plant, that enable them to route wastewater through the entire process without discharging to receiving water (returning effluent to the ponds) so that representative samples of the effluent now can be collected without discharging to surface waters.

**I. Water Quality Control Plans.** The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised August 2006), for the Sacramento and San Joaquin River Basins* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan at page II-2. states that the “...*beneficial uses of any specifically identified water body generally apply to its tributary streams.*” The Basin Plan does not specifically identify beneficial uses for South Fork Battle Creek, but does identify present and potential uses for Battle Creek, to which South Fork Battle Creek is tributary. These beneficial uses for Battle Creek are as follows: agricultural supply, including stock watering; hydropower generation; water contact recreation, including canoeing and rafting; non-contact water

recreation, including aesthetic enjoyment; warm freshwater habitat; cold freshwater habitat; cold migration of aquatic organisms; warm spawning, reproduction, and/or early development; cold spawning, reproduction, and /or early development; and wildlife habitat.

In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The Basin Plan does not list municipal or domestic supply as a beneficial use of Battle Creek, however, Resolution No. 88-63 states "*Where a body of water is not currently designated as MUN but, in the opinion of a Regional Board, is presently or potentially suitable for MUN, the Regional Board shall include MUN in the beneficial use designation.*" Thus, as discussed in detail in the Fact Sheet, beneficial uses applicable to South Fork Battle Creek are as follows:

**Table 5. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	South Fork Battle Creek	<p><u>Existing:</u>                      Municipal and domestic water supply (MUN), Agricultural (AGR), Power (POW), Contact (REC-1) and non-contact (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration (MIGR), spawning (SPWN), and wildlife habitat (WILD)</p>

Requirements of this Order implement the Basin Plan.

**J. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

**K. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became

effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

**L. Compliance Schedules and Interim Requirements.** In general, an NPDES permit must include final effluent limitations that are consistent with Clean Water Act section 301 and with 40 CFR 122.44(d). There are exceptions to this general rule. The State Water Board has concluded that where the Regional Water Board's Basin Plan allows for schedules of compliance and the Regional Water Board is newly interpreting a narrative standard, it may include schedules of compliance in the permit to meet effluent limits that implement a narrative standard. See *In the Matter of Waste Discharge Requirements for Avon Refinery* (State Board Order WQ 2001-06 at pp. 53-55). See also *Communities for a Better Environment et al. v. State Water Resources Control Board*, 34 Cal.Rptr.3d 396, 410 (2005). The Basin Plan for the Sacramento and San Joaquin Rivers includes a provision that authorizes the use of compliance schedules in NPDES permits for water quality objectives that are adopted after the date of adoption of the Basin Plan, which was September 25, 1995 (See Basin Plan at page IV-16). Consistent with the State Water Board's Order in the CBE matter, the Regional Water Board has the discretion to include compliance schedules in NPDES permits when it is including an effluent limitation that is a "new interpretation" of a narrative water quality objective. This conclusion is also consistent with the USE PA policies and administrative decisions. See, e.g., *Whole Effluent Toxicity (WET) Control Policy*. The Regional Water Board, however, is not required to include a schedule of compliance, but may issue a Time Schedule Order pursuant to Water Code section 13300 or a Cease and Desist Order pursuant to Water Code section 13301 where it finds that the discharger is violating or threatening to violate the permit. The Regional Water Board will consider the merits of each case in determining whether it is appropriate to include a compliance schedule in a permit, and, consistent with the Basin Plan, should consider feasibility of achieving compliance, and must impose a schedule that is as short as practicable to achieve compliance with the objectives, criteria, or effluent limit based on the objective or criteria.

For CTR constituents, Section 2.1 of the SIP provides that, based on a Discharger's request and demonstration that it is infeasible for an existing Discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation that exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order includes a compliance schedules and interim effluent limitations and/or

discharge specifications. A detailed discussion of the basis for the compliance schedule(s) and interim effluent limitation(s) and/or discharge specifications is included in the Fact Sheet.

**M. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

**N. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on BOD<sub>5</sub> and TSS. The water quality-based effluent limitations consist of restrictions on turbidity and pathogens. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are necessary to meet water quality standards. These limitations are more stringent than required by the CWA. Specifically, this Order includes effluent limitations for BOD, and TSS that are more stringent than applicable federal standards, but that are nonetheless necessary to meet numeric objectives or protect beneficial uses. The rationale for including these limitations is explained in the Fact Sheet. In addition, the Regional Water Board has considered the factors in Water Code section 13241 in establishing these requirements.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the CTR-SIP, which was approved by USEPA on May 1, 2001. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "*applicable water quality standards for purposes of the [Clean Water] Act*" pursuant to 40 CFR section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

**O. Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water



Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 is consistent with the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet the permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

- P. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- Q. Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

Section 13267 of the CWC states, in part, that:

"In conducting an investigation specified in [Section 13267] subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

- R. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

- S. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections IV.B, V.B, and VI.C. of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- T. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- U. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

### III. DISCHARGE PROHIBITIONS

- A. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
- B. The discharge of effluent to surface waters from April 16 to November 14 and during periods when flow in South Fork Battle Creek, adjacent to the facility, is less than 35 cfs is prohibited, unless approved by the Executive Officer because of extreme conditions as presented in General Provision VI.C.6.d.
- C. The discharge of waste classified as “hazardous” as defined in section 2521(a) of Title 23, California Code of Regulations (CCR), or “designated”, as defined in section 13173 of the CWC, to the treatment ponds is prohibited.
- D. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).
- E. Neither the discharge nor its treatment shall create a nuisance as defined in Section 13050 of the California Water Code.
- F. The Discharger shall not allow pollutant-free wastewater to be discharged into the collection, treatment, and disposal system in amounts that significantly diminish the system’s capability to comply with this Order. Pollutant-free wastewater means rainfall, groundwater, cooling waters, and condensates that are essentially free of pollutants.
- G. The discharge of waste that causes violation of any narrative water quality objective contained in the Basin Plan is prohibited.
- H. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.

- I. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
- J. The Discharger shall not cause pollution as defined in Section 13050 of the California Water Code.
- K. Discharge of storm water at a location or in a manner different from that described in the Findings is prohibited.

#### **IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

##### **A. Effluent Limitations – Discharge Point D-001**

##### **1. Final Effluent Limitations – Discharge Point D-001**

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point D-001, with compliance measured at Monitoring Location M-001 as described in the attached MRP (Attachment E):

- a. The Discharger shall maintain compliance with the effluent limitations specified in the following table:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Average Dry Weather Influent Flow (April 16 – November 14) <sup>4</sup>	mgd	0.070				
Daily Peak Wet Weather Discharge Flow (November 15 – April 15))	mgd	0.75				
BOD 5-day @ 20°C	mg/L	10	15	30		
	lbs/day <sup>1</sup>	62	94	188		
Total Suspended Solids	mg/L	30	45	90		
	lbs/day <sup>1</sup>	188	281	563		
Electrical Conductivity	umhos/cm	900				
pH	standard units				6.0	9.0
Total Residual Chlorine	mg/L		0.01 <sup>2</sup>	0.02 <sup>3</sup>		
Total Coliform Organisms	MPN/100 mL		23	240		
<sup>1</sup> Based on a peak wet weather design flow of 0.75 mgd <sup>2</sup> 4-day average <sup>3</sup> 1-hour average <sup>4</sup> Discharge period may be extended upon approval of Executive Officer, if conditions in General Provisions VI.C.6.d are met.						

- b. **Percent Removal:** The average monthly percent removal of BOD 5-day 20°C and total suspended solids shall not be less than 85 percent.
- c. **Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:
  - i. 70%, minimum for any one bioassay; and
  - ii. 90%, median for any three consecutive bioassays.
- d. **Temperature.** The maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20°F.

**2. Interim Effluent Limitations – Not Applicable**

## **B. Land Discharge Specifications – Evaporation/Percolation Ponds**

1. The maximum dry weather daily influent flow shall not exceed 0.070 million gallons.
2. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the property owned by the Discharger.
3. As a means of discerning compliance with Land Discharge Specification 2, the dissolved oxygen content in the upper zone (1 foot) of wastewater in ponds shall not be less than 1.0 mg/L.
4. Ponds shall not have a pH less than 6.0 or greater than 9.0.
5. The wastewater storage ponds shall be managed to prevent breeding of mosquitoes. In particular:
  - i. Weeds shall be minimized;
  - ii. Dead algae, vegetation, and debris shall not accumulate on the water surface.
6. Public contact with the wastewater shall be precluded through such means as fences, signs, or other acceptable alternatives.
7. The wastewater storage ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the non-irrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).

## **C. Reclamation Specifications – Not Applicable**

## **V. RECEIVING WATER LIMITATIONS**

### **A. Surface Water Limitations**

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in South Fork Battle Creek.

1. **Bacteria.** The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, to exceed a geometric mean of 200 MPN/100 mL, nor more than ten percent of the total number of fecal coliform samples taken during any 30-day period to exceed 400 MPN/100 mL.

2. **Biostimulatory Substances.** Water to contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.
3. **Chemical Constituents.** Chemical constituents to be present in concentrations that adversely affect beneficial uses.
4. **Color.** Discoloration that causes nuisance or adversely affects beneficial uses.
5. **Dissolved Oxygen:**
  - a. The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water mass;
  - b. The 95 percentile dissolved oxygen concentration to fall below 75 percent of saturation; nor
  - c. The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time.
6. **Floating Material.** Floating material to be present in amounts that cause nuisance or adversely affect beneficial uses.
7. **Oil and Grease.** Oils, greases, waxes, or other materials to be present in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
8. **pH.** The pH to be depressed below 6.5, raised above 8.5, nor changed by more than 0.5.
9. **Pesticides:**
  - a. Pesticides to be present, individually or in combination, in concentrations that adversely affect beneficial uses;
  - b. Pesticides to be present in bottom sediments or aquatic life in concentrations that adversely affect beneficial uses;
  - c. Total identifiable persistent chlorinated hydrocarbon pesticides to be present in the water column at concentrations detectable within the accuracy of analytical methods approved by USEPA or the Executive Officer/prescribed in *Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup> Edition*, or other equivalent methods approved by the Executive Officer.
  - d. Pesticide concentrations to exceed those allowable by applicable antidegradation policies (see State Water Board Resolution No. 68-16 and 40 CFR §131.12.).
  - e. Pesticide concentrations to exceed the lowest levels technically and economically achievable.
  - f. Pesticides to be present in concentration in excess of the maximum contaminant levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15/specified in Table 64444-A (Organic Chemicals) of Section 64444 of Title 22 of the California Code of Regulations.

- g. Thiobencarb to be present in excess of 1.0 ug/L.

**10. Radioactivity:**

- a. Radionuclides to be present in concentrations that are harmful/deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
- b. Radionuclides to be present in excess of the maximum contaminant levels specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations.

- 11. Suspended Sediments.** The suspended sediment load and suspended sediment discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

- 12. Settleable Substances.** Substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.

- 13. Suspended Material.** Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.

- 14. Taste and Odors.** Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses/or to domestic or municipal water supplies.

- 15. Temperature.** The natural temperature to be increased by more than 5°F.

- 16. Toxicity.** Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.

- 17. Turbidity.** The turbidity to increase as follows:

- a. More than 1 Nephelometric Turbidity Unit (NTU) where natural turbidity is between 0 and 5 NTUs.
- b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
- c. More than 10 NTU where natural turbidity is between 50 and 100 NTUs.
- d. More than 10 percent where natural turbidity is greater than 100 NTUs.

**B. Groundwater Limitations**

- 1. The discharge shall not cause the groundwater to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

2. Release of waste constituents from any storage, treatment, or disposal component associated with the WWTP shall not, in combination with other sources of the waste constituents, cause groundwater within influence of the WWTP to contain waste constituents in concentrations in excess of natural background quality or that listed below, whichever is greater:
  - i. Total coliform organisms median of 2.2 MPN/100 mL over any seven-day period.
3. Groundwaters shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) based upon drinking water standards Title 22, CCR.
4. Groundwaters shall not contain concentrations of radionuclides in excess of the MCLs specified in Table 4 of Section 64443 of Title 22, CCR.
5. Groundwaters shall not contain taste or odor-producing substances in concentrations that cause nuisance or that adversely affect beneficial uses.
6. Groundwaters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial use(s). This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

## **VI. PROVISIONS**

### **A. Standard Provisions**

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. The Discharger shall comply with the following provisions:
  - a. If the Discharger's wastewater treatment plant is publicly owned or subject to regulation by California Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to Title 23, CCR, Division 3, Chapter 26.
  - b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
    - i. violation of any term or condition contained in this Order;
    - ii. obtaining this Order by misrepresentation or by failing to disclose fully all relevant facts;



- iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
- iv. a material change in the character, location, or volume of discharge.

The causes for modification include:

- *New regulations.* New regulations have been promulgated under Section 405(d) of the Clean Water Act, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- *Land application plans.* When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
- *Change in sludge use or disposal practice.* Under 40 Code of Federal Regulations (CFR) 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Regional Water Board may review and revise this Order at any time upon application of any affected person or the Regional Water Board's own motion.

- c. If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Regional Water Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified.

- d. This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:
  - i. contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or
  - ii. controls any pollutant limited in the Order.

The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

- e. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- f. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.
- g. The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by USEPA under Section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.
- h. The discharge of any radiological, chemical or biological warfare agent or high-level, radiological waste is prohibited.
- i. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.
- j. Safeguard to electric power failure:
  - i. The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.
  - ii. Upon written request by the Regional Water Board the Discharger shall submit a written description of safeguards. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past five years on effluent quality and on the capability of the Discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Regional Water Board.
  - iii. Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Regional Water Board not approve the existing safeguards, the Discharger shall, within ninety days of having been advised in writing by the Regional Water Board that the existing safeguards are inadequate, provide to the Regional Water Board and USEPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Regional Water Board, become a condition of this Order.
- k. The Discharger, upon written request of the Regional Water Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup)

plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under Regional Water Board Standard Provision VI.A.2.m.

The technical report shall:

- i. Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
- ii. Evaluate the effectiveness of present facilities and procedures and state when they became operational.
- iii. Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

The Regional Water Board, after review of the technical report, may establish conditions, which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

- I. A publicly owned treatment works (POTW) whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the Discharger shall notify the Regional Water Board by 31 January. A copy of the notification shall be sent to appropriate local elected officials, local permitting agencies and the press. Within 120 days of the notification, the Discharger shall submit a technical report showing how it will prevent flow volumes from exceeding capacity or how it will increase capacity to handle the larger flows. The Regional Water Board may extend the time for submitting the report.
- m. The Discharger shall submit technical reports as directed by the Executive Officer. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in

a manner such that all work can be clearly attributed to the professional responsible for the work.

- n. Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Regional Water Board and USEPA.
- o. The Discharger shall conduct analysis on any sample provided by USEPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to USEPA's DMQA manager.
- p. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
- q. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their continued accuracy.
- r. The Discharger shall file with the Regional Water Board technical reports on self-monitoring performed according to the detailed specifications contained in the Monitoring and Reporting Program attached to this Order.
- s. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order. Unless otherwise specified, discharge flows shall be reported in terms of the monthly average and the daily maximum discharge flows.
- t. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.
- u. For POTWs, prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (CWC section 1211).
- v. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, 1-hour average effluent limitation, or receiving water limitation contained in this Order, the Discharger shall notify the Regional Water Board by telephone (530) 224-4845 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall include the information required by Attachment D, Section V.E.1 [40 CFR section 122.41(l)(6)(i)].

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

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

## **C. Special Provisions**

### **1. Reopener Provisions**

- a. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.
- b. Conditions that necessitate a major modification of a permit are described in 40 CFR section 122.62, including:
  - i. If new or amended applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, this permit may be reopened and modified in accordance with the new or amended standards.
  - ii. When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.
- c. **Whole Effluent Toxicity.** As a result of a Toxicity Reduction Evaluation (TRE), this Order may be reopened to include a chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE. Additionally, if the State Water Board revises the SIP's toxicity control provisions that would require the establishment of numeric chronic toxicity effluent limitations, this Order may be reopened to include a numeric chronic toxicity effluent limitation based on the new provisions.
- d. **Water Effects Ratios (WER) and Metal Translators.** A default WER of 1.0 has been used in this Order for calculating CTR criteria for applicable priority pollutant inorganic constituents. In addition, default dissolved-to-total metal translators have been used to convert water quality objectives from dissolved to total recoverable when developing effluent limitations.. If the Discharger performs studies to determine site-specific WERs and/or site-specific dissolved-to-total metal translators, this Order may be reopened to modify the effluent limitations for the applicable inorganic constituents.
- e. **Mixing Zone – Dilution Study.** The Discharger has the option of conducting a Mixing Zone/Dilution Study, which can be used by the Regional Board in

calculating effluent limitations, based on priority pollutant sample results. Regarding mixing zones, the SIP states, “A mixing zone shall be as small as practicable. The following conditions must be met in allowing a mixing zone:

A: A mixing zone shall not:

- (1) compromise the integrity of the entire water body;
- (2) cause acutely toxic conditions to aquatic life passing through the mixing zone;
- (3) restrict the passage of aquatic life;
- (4) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- (5) produce undesirable or nuisance aquatic life;
- (6) result in floating debris, oil, or scum;
- (7) produce objectionable color, odor, taste, or turbidity;
- (8) cause objectionable bottom deposits;
- (9) cause nuisance;
- (10) dominate the receiving water body or overlap a mixing zone from different outfalls; or
- (11) be allowed at or near any drinking water intake. A mixing zone is not a source of drinking water. To the extent of any conflict between this determination and the Sources of Drinking Water Policy (Resolution No. 88-63), this SIP supersedes the provisions of that policy.”

## 2. Special Studies, Technical Reports and Additional Monitoring Requirements

- a. **Chronic Whole Effluent Toxicity.** For compliance with the Basin Plan’s narrative toxicity objective, this Order requires the Discharger to conduct chronic whole effluent toxicity testing, as specified in the Monitoring and Reporting Program (Attachment E, Section V.). Furthermore, this Provision requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. If the discharge exceeds the toxicity numeric monitoring trigger established in this Provision, the Discharger is required to initiate a Toxicity Reduction Evaluation (TRE), in accordance with an approved TRE Work Plan, and take actions to mitigate the impact of the discharge and prevent reoccurrence of toxicity. A TRE is a site-specific study conducted in a stepwise process to identify the source(s) of toxicity and the effective control measures for effluent toxicity. TREs are designed to identify the causative agents and sources of whole effluent toxicity, evaluate the effectiveness of the toxicity control options, and confirm the reduction in effluent toxicity. This Provision includes requirements for the Discharger to develop and submit a TRE

Work Plan and includes procedures for accelerated chronic toxicity monitoring and TRE initiation.

**i.. Initial Investigative Toxicity Reduction Evaluation (TRE) Work Plan.**

**Within 90 days of the effective date of this Order**, the Discharger shall submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer. This should be a one to two page document including, at minimum:

- a) A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of effluent 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) A discussion of who will conduct the Toxicity Identification Evaluation, if necessary (i.e. an in-house expert or outside contractor).

**ii. Accelerated Monitoring and TRE Initiation.** When the numeric toxicity monitoring trigger is exceeded during regular chronic toxicity monitoring, and the testing meets all test acceptability criteria, the Discharger shall initiate accelerated monitoring as required in the Accelerated Monitoring Specifications. WET testing results exceeding the monitoring trigger during accelerated monitoring demonstrates a pattern of toxicity and requires the Discharger to initiate a TRE to address the effluent toxicity.

**iii. Numeric Monitoring Trigger.** The numeric toxicity monitoring trigger is  $> 10 \text{ TUc}$  (where  $\text{TUc} = 100/\text{NOEC}$ ). The monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Discharger is required to begin accelerated monitoring and initiate a TRE.

**iv. Accelerated Monitoring Specifications.** If the monitoring trigger is exceeded during regular chronic toxicity testing, within 14-days of notification by the laboratory of the test results, the Discharger shall initiate accelerated monitoring. Accelerated monitoring shall consist of four (4) chronic toxicity tests in a six-week period (i.e. one test every two weeks) using the species that exhibited toxicity. The following protocol shall be used for accelerated monitoring and TRE initiation:

- a) If the results of four (4) consecutive accelerated monitoring tests do not exceed the monitoring trigger, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring. However, notwithstanding the accelerated monitoring results, if there is adequate evidence of a pattern of effluent toxicity, the Executive Officer may require that the Discharger initiate a TRE.

- b) If the source(s) of the toxicity is easily identified (i.e. temporary plant upset), the Discharger shall make necessary corrections to the facility and shall continue accelerated monitoring until four (4) consecutive accelerated tests do not exceed the monitoring trigger. Upon confirmation that the effluent toxicity has been removed, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring.
- c) If the result of any accelerated toxicity test exceeds the monitoring trigger, the Discharger shall cease accelerated monitoring and initiate a TRE to investigate the cause(s) of, and identify corrective actions to reduce or eliminate effluent toxicity. Within thirty (30) days of notification by the laboratory of the test results exceeding the monitoring trigger during accelerated monitoring, the Discharger shall submit to the Central Valley Water Board a TRE Work Plan for approval by the Executive Officer. The TRE Work Plan shall outline the procedures for identifying the source(s) of, and reducing or eliminating effluent toxicity. The TRE Work Plan must be developed in accordance with EPA guidance<sup>2</sup>.

- b. **Best Practicable Treatment or Control (BPTC) Evaluation Tasks.** The Discharger shall propose a work plan and schedule for providing BPTC as required by Resolution 68-16. The technical report describing the work plan and schedule shall contain a preliminary evaluation of each component and propose a time schedule for completing the comprehensive technical evaluation.

Following completion of the comprehensive technical evaluation, the Discharger shall submit a technical report describing the evaluation's results and critiquing each evaluated component with respect to BPTC and minimizing the discharge's impact on groundwater quality. Where deficiencies are documented, the technical report shall provide recommendations for necessary modifications (e.g., new or revised salinity source control measures, WWTP component upgrade and retrofit) to achieve BPTC and identify the source of funding and proposed schedule for modifications. The schedule shall be as short as practicable but in no case shall completion of the necessary modifications exceed four years past the Executive Officer's determination of the adequacy of the comprehensive technical evaluation, unless the schedule is reviewed and specifically approved by the Regional Water Board. The technical report shall include specific methods the Discharger proposes as a means to measure processes and assure continuous optimal performance of BPTC measures. The Discharger shall comply with the following compliance schedule in implementing the work required by this Provision:

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<sup>2</sup> See Attachment F (Fact Sheet) Section VII.B.2.a. for a list of USEPA guidance documents that must be considered in development of the TRE Workplan.



**Table 7. BPTC Evaluation**

Task	Compliance Date
1 -Submit technical report: work plan and schedule for comprehensive evaluation	Within 6 months of the effective date of Order
2 -Commence comprehensive evaluation	Within 3 months of Regional Board approval of Technical Report
3 -Complete comprehensive evaluation	As established by Task 1
4 -Submit technical report: comprehensive evaluation results	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order).
5 -Submit annual report describing the overall status of BPTC implementation and compliance with groundwater limitations over the past reporting year	To be submitted in accordance with the MRP

- c. **Investigation of Percolation/Evaporation Ponds.** The Discharger shall complete an investigation to determine the existing condition of the underlying soils beneath the percolation/evaporation ponds. The investigation shall include a technical report documenting the existing in-place permeability and percolation rate of the subsurface beneath the unlined ponds. Additionally, the depth to groundwater under the ponds should be collected through analysis of the existing piezometers around the ponds, or new installation of piezometers (if existing piezometers are not adequately constructed). There must be a minimum of three piezometers (one up-gradient, two down-gradient) installed or analyzed to determine the groundwater depth and gradient beneath the ponds. The permeability/percolation tests can be a combination of in-place (BAT™ tests), double ring infiltrometers, and laboratory permeability tests. Laboratory permeability testing shall be in accordance with American Society of Testing and Materials (ASTM) D 5084. For ASTM D 5084, undisturbed thin-wall tube samples should be collected (per ASTM D 1587) near the BAT™ test locations (if taken). Sample tubes should be labeled and transferred to the soils laboratory according to ASTM D 4220, Group C. Permeability results for the in-place samples shall be submitted in a technical report. Double ring infiltrometer testing should be in accordance with ASTM D 3385.

The groundwater investigation should utilize the existing piezometers (if feasible), and additional piezometer installations to determine the depth of groundwater beneath the two percolation/evaporation ponds.

At the conclusion of the field investigation, a technical report shall be submitted to the Regional Water Board to evaluate the permeability results

under the ponds, and discuss the WWTP impact on groundwater quality. Where there is a possibility of the wastewater impacting the groundwater, the technical report shall provide recommendations for necessary modifications (e.g., construct liners, WWTP component upgrade and retrofit) to achieve BPTC. Based on the results of the permeability study, this Order may be reopened and groundwater limitations added. The Discharger shall comply with the following compliance schedule in implementing the work required by this Provision:

**Table 8. Percolation/Evaporation Pond Investigation**

Task	Compliance Date
1 -Submit technical report: work plan and schedule for comprehensive investigation	Within 6 months of the effective date of Order
2 -Commence comprehensive investigation	Within 3 months of Regional Board approval of Technical Report
3 -Complete comprehensive investigation	As established by Task 1
4 -Submit technical report: comprehensive investigation results	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order).

**3. Best Management Practices and Pollution Prevention**

- a. **Pollutant Minimization Program.** The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either: 1) A sample result is reported as DNQ and the effluent limitation is less than the RL; or 2) A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP.

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

- i. An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- ii. Annual monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;

- iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;
- iv. Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and
- v. An annual status report that shall be sent to the Regional Water Board including:
  - (1) All PMP monitoring results for the previous year;
  - (2) A list of potential sources of the reportable priority pollutant(s);
  - (3) A summary of all actions undertaken pursuant to the control strategy; and
  - (4) A description of actions to be taken in the following year.

**b. Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity from the Facility. The plan shall be completed and submitted to the Regional Water Board **within 2 years of the effective date of this Order** for the approval by the Executive Officer.

**Table 9. Salinity Evaluation and Minimization Plan**

Task	Compliance Date
1 - Submit Work plan and Time Schedule	Within 6 months of the effective date of the Order
2 - Begin Study	Within 3 months of Regional Board approval of Workplan and Time Schedule
3 - Complete Study	As established by Task 1
4 - Submit Summary Report	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order)

**4. Construction, Operation and Maintenance Specifications**

**a. Percolation/Evaporation Pond Operating Requirements.**

- i. The percolation/evaporation pond facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
- ii. Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
- iii. Ponds shall be managed to prevent breeding of mosquitoes. In particular,

- a) An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.
  - b) Weeds shall be minimized.
  - c) Dead algae, vegetation, and debris shall not accumulate on the water surface.
- iv. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).
- v. Ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the non-irrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).
- vi. Prior to the onset of the rainy season of each year, available pond storage capacity shall at least equal the volume necessary to comply with Land Discharge Specification IV.B.7.

## **5. Special Provisions for Municipal Facilities (POTWs Only)**

### **a. Pretreatment Requirements.**

- i. The Discharger shall implement, as more completely set forth in 40 CFR 403.5, the necessary legal authorities, programs, and controls to ensure that the following incompatible wastes are not introduced to the treatment system, where incompatible wastes are:
  - a) Wastes which create a fire or explosion hazard in the treatment works;
  - b) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0, unless the works is specially designed to accommodate such wastes;
  - c) Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation or treatment works;
  - d) Any waste, including oxygen demanding pollutants (BOD, etc.), released in such volume or strength as to cause inhibition or disruption in the treatment works, and subsequent treatment process upset and loss of treatment efficiency;

- e) Heat in amounts that inhibit or disrupt biological activity in the treatment works, or that raise influent temperatures above 40°C (104°F), unless the Regional Water Board approves alternate temperature limits;
  - f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems; and:
  - h) Any trucked or hauled pollutants, except at points predesignated by the Discharger.
- ii. The Discharger shall implement, as more completely set forth in 40 CFR 403.5, the legal authorities, programs, and controls necessary to ensure that indirect discharges do not introduce pollutants into the sewerage system that, either alone or in conjunction with a discharge or discharges from other sources:
- a) Flow through the system to the receiving water in quantities or concentrations that cause a violation of this Order, or:
  - b) Inhibit or disrupt treatment processes, treatment system operations, or sludge processes, use, or disposal and either cause a violation of this Order or prevent sludge use or disposal in accordance with this Order.

**b. Sludge/Biosolids Discharge Specifications**

- i. Collected screenings, residual sludge, biosolids, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer, and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste*, as set forth in Title 27, CCR, Division 2, Subdivision 1, section 20005, et seq. Removal for further treatment, disposal, or reuse at sites (i.e., landfill, composting sites, soil amendment sites) that are operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy these specifications.
- ii. Sludge and solid waste shall be removed from screens, sumps, ponds, clarifiers, etc. as needed to ensure optimal plant performance.
- iii. The treatment of sludge generated at the Facility shall be confined to the Facility property and conducted in a manner that precludes infiltration of waste constituents into soils in a mass or concentration that will violate Groundwater Limitations V.B. In addition, the storage of residual sludge, solid waste, and biosolids on Facility property shall be temporary and controlled, and contained in a manner that minimizes leachate formation and precludes

infiltration of waste constituents into soils in a mass or concentration that will violate Groundwater Limitations V.B.

- iv. The use and disposal of biosolids shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503. If the State Water Board and the Regional Water Board are given the authority to implement regulations contained in 40 CFR 503, this Order may be reopened to incorporate appropriate time schedules and technical standards. The Discharger must comply with the standards and time schedules contained in 40 CFR 503 whether or not they have been incorporated into this Order.

**c. Biosolids Disposal Requirements**

- i. The Discharger shall comply with the Monitoring and Reporting Program for biosolids disposal contained in Attachment E.
- ii. Any proposed change in biosolids use or disposal practice from a previously approved practice shall be reported to the Executive Officer and USEPA Regional Administrator at least **90 days** in advance of the change.
- iii. The Discharger is encouraged to comply with the “Manual of Good Practice for Agricultural Land Application of Biosolids” developed by the California Water Environment Association.

**d. Biosolids Storage Requirements**

- i. Facilities for the storage of Class B biosolids shall be located, designed and maintained to restrict public access to biosolids.
- ii. Biosolids storage facilities shall be designed and maintained to prevent washout or inundation from a storm or flood with a return frequency of 100 years.
- iii. Biosolids storage facilities, which contain biosolids, shall be designed and maintained to contain all storm water falling on the biosolids storage area during a rainfall year with a return frequency of 100 years.
- iv. Biosolids storage facilities shall be designed, maintained and operated to minimize the generation of leachate.

- e. **Collection System.** On May 2, 2006, the State Water Board adopted State Water Board Order 2006-0003, a Statewide General WDR for Sanitary Sewer Systems. The Discharger shall be subject to the requirements of Order 2006-0003 and any future revisions thereto. Order 2006-0003 requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the General WDR. By November 2, 2006, the Discharger was required by that Order, not incorporated by reference herein, to apply for coverage under State Water Board Order 2006-0003 for operation of its wastewater collection system.

Regardless of the coverage obtained under Order 2006-0003, the Discharger's collection system is part of the treatment system that is subject to this Order. As such, pursuant to federal regulations, the Discharger must properly operate and maintain its collection system [40 CFR section 122.41(e)], report any non-compliance [40 CFR section 122.41(l)(6) and (7)], and mitigate any discharge from the collection system in violation of this Order [40 CFR. section 122.41(d)].

- f. This permit, and the Monitoring and Reporting Program which is a part of this permit, requires that certain parameters be monitored on a continuous basis. The wastewater treatment plant is not staffed on a full time basis. Permit violations or system upsets can go undetected during this period. The Discharger is required to establish an electronic system for operator notification for continuous recording device alarms. For existing continuous monitoring systems, the electronic notification system shall be installed **within one year of adoption** of this permit. For systems installed following permit adoption, the notification system shall be installed simultaneously.

## 6. Other Special Provisions

- a. Wastewater discharged to South Fork Battle Creek shall be filtered and adequately disinfected pursuant to the DHS reclamation criteria, California Code of Regulations, Title 22, Division 4, Chapter 3, (Title 22), or equivalent. As part of the annual monitoring and reporting program, annual priority pollutant samples are required to be sampled. The filter/chlorination/dechlorination system should be operational during the annual priority pollutant sampling. This will assure that the filter system, as well as the chlorination/dechlorination system is operating correctly.
- b. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons

responsible for contact with the Regional Water Board and a statement. The statement shall comply with the signatory and certification requirements in the Federal Standard Provisions (Attachment D, Section V.B.) and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

- c. **Storm Water Requirements.** USEPA promulgated Federal Regulations for storm water on November 16, 1990 in 40 CFR Parts 122, 123, and 124. The NPDES Industrial Storm Water Program regulates storm water discharges from municipal sanitary sewer systems. Wastewater Treatment Plants are applicable industries under the storm water program and are obligated to comply with the Federal Regulations. However, storm water discharges from this Facility are not required to be regulated under the General Permit for Discharges of Storm Water Associated with Industrial Activities (State Water Board, Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001) because the design flows of the Facility is less than 1 mgd.
- d. Exceptions to Prohibitions III.B may be granted by the Executive Office provided all of the following conditions are satisfied:
  1. The discharge is necessary due to circumstances that could not have reasonably been foreseen, such as an extended wet weather season
  2. The Discharger demonstrates that the potential impacts of non-discharge would be greater than discharge, including any potential property damage, or interference with the wastewater treatment process. Impact of non-discharge to be analyzed must include as a minimum, damage to treatment processes or structures, and potential damage to nearby property, e.g. should a breach in any pond structure occur;
  3. The Discharger has previously taken all reasonable steps to prevent the discharge and all required maintenance has been performed in accordance with the manufacturer's recommendations and the Facility Operations and Maintenance Manual. Proof that all reasonable steps have been taken to prevent the discharge shall include a schedule for operation of the ponds that has been accepted by Regional Board staff;
  4. The discharge will not result in the exceedance of any water quality objective in South Fork Battle Creek;
  5. The Discharger agrees to post the outfall and downstream areas with appropriate signs warning against swimming, if the dilution of wastewater in South Fork Battle Creek is less than 35:1.



## 7. Compliance Schedules

- a. **Compliance Schedules for Best Practicable Treatment or Control (BPTC).** The Discharger shall prepare a Best Practicable Treatment or Control (BPTC) study to determine BPTC of its discharge to the South Forth Battle Creek, to meet the requirements of State Water Board Resolution 68-16. A work plan and time schedule for preparation of the BPTC study shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The BPTC study shall be completed and submitted to the Regional Water Board **within two (2) years following the effective date of this Order**, and progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.)
- b. **Compliance Schedule for Percolation/Evaporation Pond Investigation.** The Discharger shall prepare a percolation/evaporation pond investigation technical report to determine if the characteristics of the subsurface beneath the two percolation/evaporation ponds. A work plan and time schedule for preparation of the pond investigation shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The pond investigation shall be completed and submitted to the Regional Water Board **within two (2) years following the effective date of this Order**, and progress reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D.1.).
- c. **Compliance Schedule for Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity from the Facility. The plan shall be completed and submitted to the Regional Water Board **within 2 years of the effective date of this Order** for the approval by the Executive Officer

## VII. COMPLIANCE DETERMINATION

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

- A. **BOD and TSS Effluent Limitations.** Compliance with the final effluent limitations for BOD and TSS shall be ascertained by 24-hour composite samples. Compliance with effluent limitations for percent removal shall be calculated using the arithmetic mean of 20°C BOD (5-day) and total suspended solids in effluent samples collected over a monthly period as a percentage of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.
- B. **Average Daily Discharge Flow Effluent Limitations.** The Average Daily Discharge Flow represents the daily average flow when groundwater is at or near normal and

runoff is not occurring. Compliance with the Average Daily Discharge Flow effluent limitations will be measured at times when groundwater is at or near normal and runoff is not occurring.

- C. **Total Coliform Organisms Effluent Limitations (Section IV.A.1.a).** For each day that an effluent sample is collected and analyzed for total coliform organisms, the 7-day median shall be determined by calculating the median concentration of total coliform bacteria in the effluent utilizing the bacteriological results of the last seven days for which analyses have been completed. If the 7-day median of total coliform organisms exceeds a most probable number (MPN) of 23 per 100 milliliters, the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period.
- D. **Total Residual Chlorine Effluent Limitations.** Grab samples (4 times a day) monitoring for chlorine residual or for dechlorination agent residual in the effluent are appropriate methods for compliance determination. A positive residual dechlorination agent in the effluent indicates that chlorine is not present in the discharge, which demonstrates compliance with the effluent limitations. This type of monitoring can also be used to prove that some chlorine residual exceedances are false positives. Grab sample monitoring data showing either a positive dechlorination agent residual or a chlorine residual at or below the prescribed limit are sufficient to show compliance with the total residual chlorine effluent limitations, as long as the instruments are maintained and calibrated in accordance with the manufacturer's recommendations.

Any excursion above the 1-hour average or 4-day average total residual chlorine effluent limitations is a violation. If the Discharger installs and conducts continuous monitoring and the Discharger can demonstrate, through data collected from a back-up monitoring system, that a chlorine spike recorded by the continuous monitor was not actually due to chlorine, then any excursion resulting from the recorded spike will not be considered an exceedance, but rather reported as a false positive.

## ATTACHMENT A – DEFINITIONS

**Arithmetic Mean (u)**, also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

$$\text{Arithmetic mean} = u = \Sigma x / n \quad \text{where: } \Sigma x \text{ is the sum of the measured ambient water concentrations, and } n \text{ is the number of samples.}$$

**Average Monthly Effluent Limitation (AMEL):** the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Effluent Limitation (AWEL):** the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Best Practicable Treatment or Control (BPTC):** BPTC is a requirement of State Water Resources Control Board Resolution 68-16 – “Statement of Policy with Respect to Maintaining High Quality of Waters in California” (referred to as the “Antidegradation Policy”). BPTC is the treatment or control of a discharge necessary to assure that, “(a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.” Pollution is defined in CWC Section 13050(I). In general, an exceedance of a water quality objective in the Basin Plan constitutes “pollution”.

**Bioaccumulative** pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

**Carcinogenic** pollutants are substances that are known to cause cancer in living organisms.

**Coefficient of Variation (CV)** is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

**Daily Discharge:** Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the

arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

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

**Detected, but Not Quantified (DNQ)** are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

**Dilution Credit** is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

**Effluent Concentration Allowance (ECA)** is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

**Estimated Chemical Concentration** is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

**Inland Surface Waters** are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

**Instantaneous Maximum Effluent Limitation:** the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation:** the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

**Maximum Daily Effluent Limitation (MDEL)** means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

**Median** is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements ( $n$ ) is odd, then the median =  $X_{(n+1)/2}$ . If  $n$  is even, then the median =  $(X_{n/2} + X_{(n/2)+1})/2$  (i.e., the midpoint between the  $n/2$  and  $n/2+1$ ).

**Method Detection Limit (MDL)** is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

**Minimum Level (ML)** is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

**Mixing Zone** is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

**Not Detected (ND)** are those sample results less than the laboratory's MDL.

**Persistent** pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

**Pollutant Minimization Program (PMP)** means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

**Pollution Prevention** means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

**Reporting Level (RL)** is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for

sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

**Source of Drinking Water** is any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

**Standard Deviation ( $\sigma$ )** is a measure of variability that is calculated as follows:

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

where:

x is the observed value;

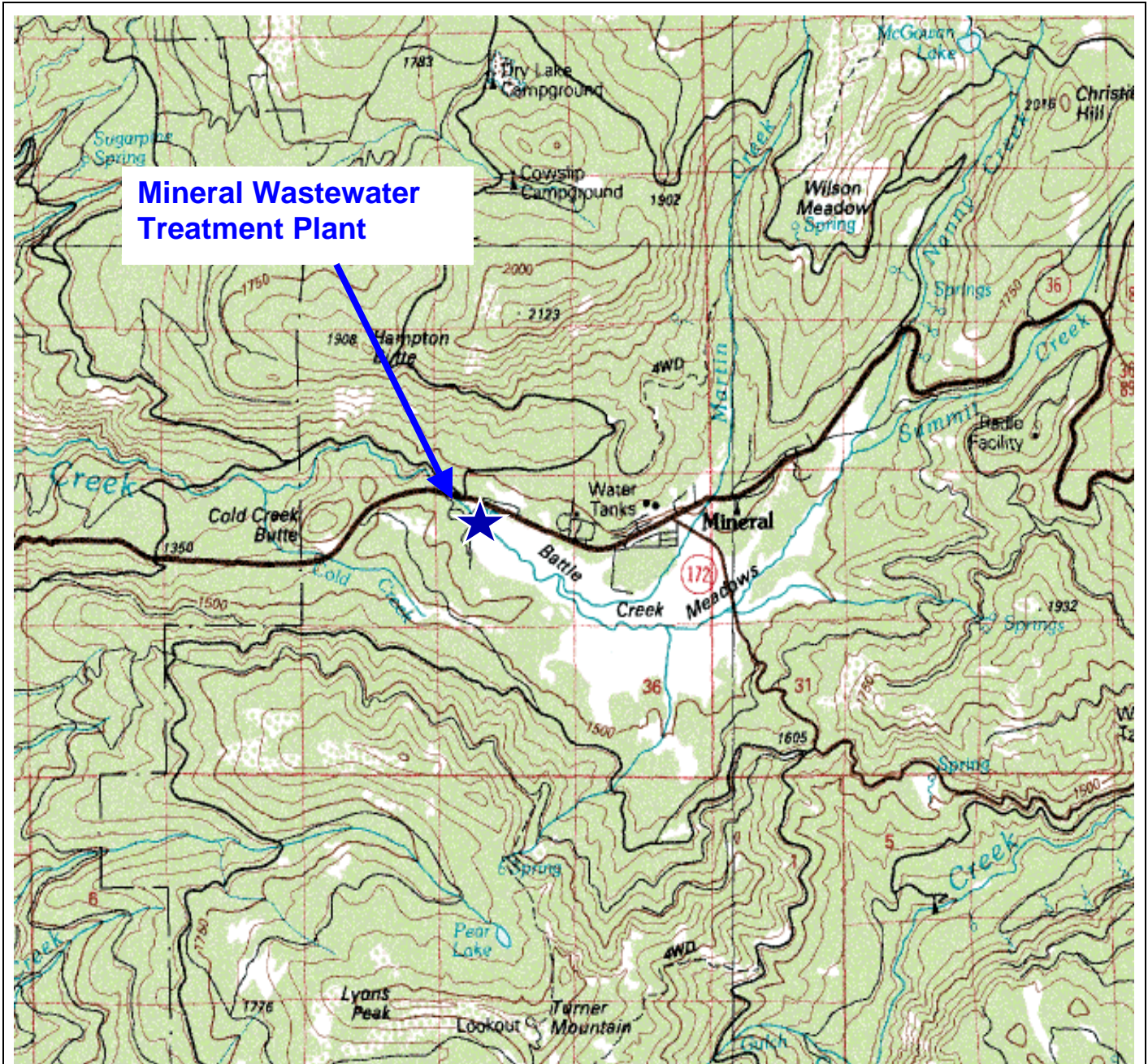
u is the arithmetic mean of the observed values; and

n is the number of samples.

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

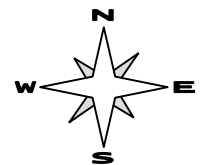


**ATTACHMENT B – MAP**

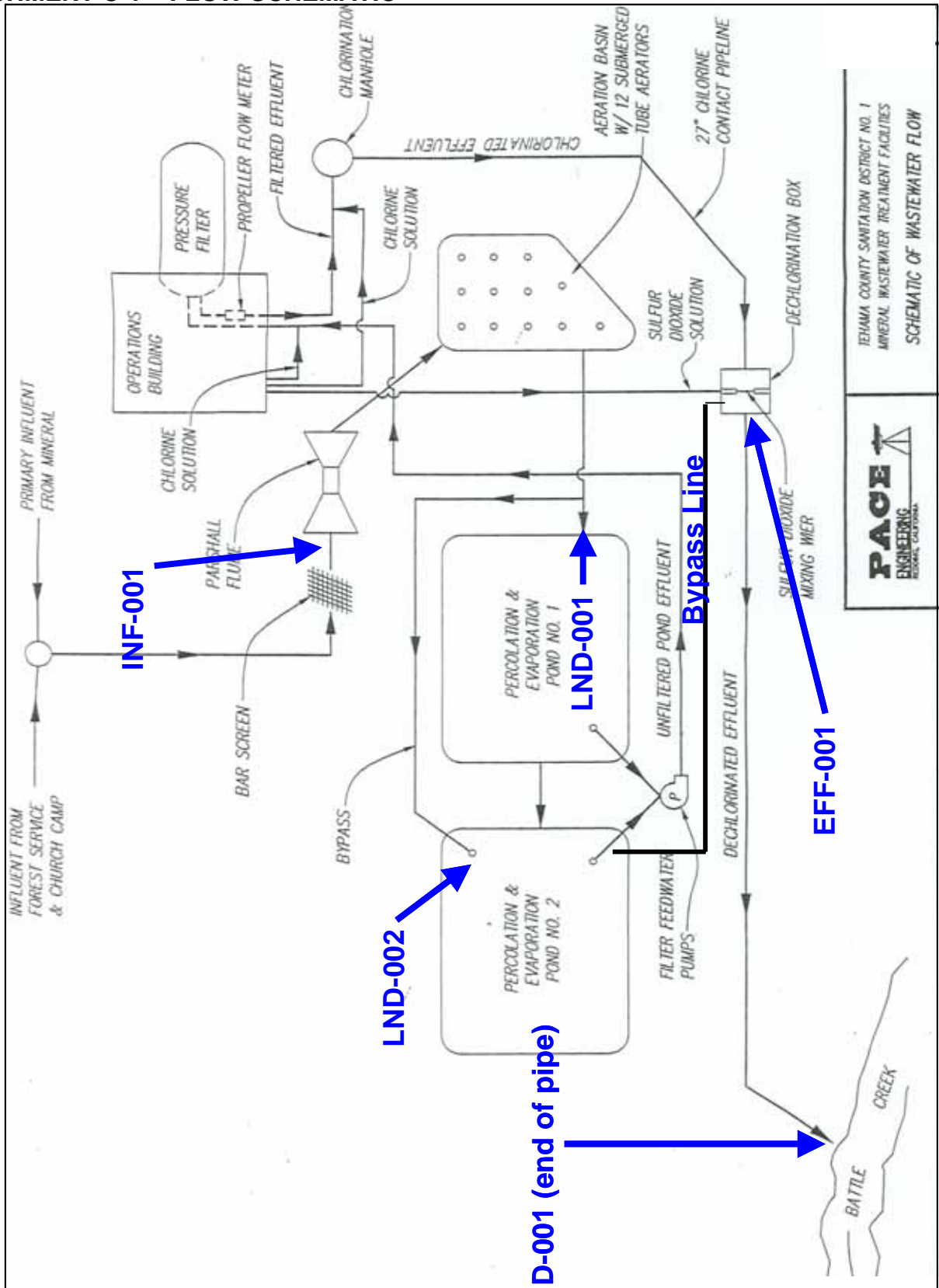


Drawing Reference:  
**MINERAL, CA**  
U.S.G.S TOPOGRAPHIC MAP  
7.5 MINUTE QUADRANGLE  
*Photorevised 1986*  
*Not to scale*

**SITE LOCATION MAP**  
  
TEHAMA COUNTY SANITATION DISTRICT NO. 1  
MINERAL WASTEWATER TREATMENT PLANT  
TEHAMA COUNTY



**ATTACHMENT C-1 – FLOW SCHEMATIC**



TEHAMA COUNTY SANITATION DISTRICT NO. 1  
 MINERAL WASTEWATER TREATMENT FACILITIES  
 SCHEMATIC OF WASTEWATER FLOW

**PACE**  
 ENGINEERING  
 FERRIS, CALIFORNIA



**ATTACHMENT C-2 – AERIAL PHOTOGRAPH**



**EXPLANATION:**

- 1 – Headworks, filter, chlorination facilities
- 2 – Aeration basin
- 3 – Evaporation/percolation Pond #1
- 4 – Evaporation/percolation Pond #2
- 5 – Discharge Point D-001
- 6 – South Fork Battle Creek
- 7 – HWY 36

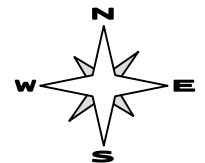
Drawing Reference:

Reference: Aerial Imagery  
 courtesy of GlobeXplorer.com  
 1May 2006

*Not to scale*

SITE AERIAL PHOTOGRAPH

TEHAMA COUNTY SANITATION DISTRICT NO. 1  
 MINERAL WASTEWATER TREATMENT PLANT  
 TEHAMA COUNTY



## **ATTACHMENT D –STANDARD PROVISIONS**

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

#### **A. Duty to Comply**

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

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

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

#### **C. Duty to Mitigate**

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

#### **D. Proper Operation and Maintenance**

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

#### **E. Property Rights**

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

## **F. Inspection and Entry**

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 C.F.R. § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 C.F.R. § 122.41(i)(1));
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 C.F.R. § 122.41(i)(2));
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 C.F.R. § 122.41(i)(3)); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 C.F.R. § 122.41(i)(4).)

## **G. Bypass**

1. Definitions
  - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)
2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and
  - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)
5. Notice
  - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)
  - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

## H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was

caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).).

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):
  - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
  - b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));
  - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and
  - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

## **II. STANDARD PROVISIONS – PERMIT ACTION**

### **A. General**

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

### **B. Duty to Reapply**

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

### **C. Transfers**

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

### III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)
- B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 122.41(j)(4); § 122.44(i)(1)(iv).)

### IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

#### B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

#### C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

## **V. STANDARD PROVISIONS – REPORTING**

### **A. Duty to Provide Information**

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 C.F.R. § 122.22(a)(3).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
  - c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

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

### **C. Monitoring Reports**

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

### **D. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)



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

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)
2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):
  - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)
  - b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

## **F. Planned Changes**

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R. § 122.41(l)(1)(iii).)

### **G. Anticipated Noncompliance**

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

### **H. Other Noncompliance**

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

### **I. Other Information**

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

## **VI. STANDARD PROVISIONS – ENFORCEMENT**

- A.** The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

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

### **A. Publicly-Owned Treatment Works (POTWs)**

All POTWs shall provide adequate notice to the Regional Water Board of the following (40 C.F.R. § 122.42(b)):

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)); and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. (40 C.F.R. § 122.42(b)(2).)
3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

# ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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## **ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)**

The Code of Federal Regulations section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. Water Code Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and state regulations.

### **I. GENERAL MONITORING PROVISIONS**

- A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this Regional Water Board.
- B. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the Discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Regional Water Board staff. The Quality Assurance-Quality Control Program must conform to USEPA guidelines or to procedures approved by the Regional Water Board.
- C. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services. Laboratories that perform sample analyses shall be identified in all monitoring reports.
- D. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.
- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

**II. MONITORING LOCATIONS**

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	INF-001	Influent monitoring location
D-001	D-001	Effluent discharge monitoring point to South Fork Battle Creek
D-001	EFF-001	Effluent monitoring station (discharge to South Fork Battle Creek)
--	LND-001	Land discharge point Pond #1 (eastern pond)
--	LND-002	Land discharge point Pond #2 (western pond)
D-001	RSW-001	Upstream receiving water monitoring location – 50 ft immediately upstream from the point of discharge (D-001)
D-001	RSW-002	Downstream receiving water monitoring location – Highway 36 bridge downstream from the point of discharge (D-001)
--	BIO-001	Biosolids (sludge) monitoring location
--	SPL-001	Municipal water supply

**III. INFLUENT MONITORING REQUIREMENTS**

**A. Monitoring Location INF-001**

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

**Table E-2. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
BOD 5-day 20°C	mg/L, lbs/day	8-hr Composite <sup>1</sup>	1/week	
Total Suspended Solids	mg/L, lbs/day	8-hr Composite <sup>1</sup>	1/week	
Daily Flow	mgd	Meter	Continuous	

<sup>1</sup> 8-hour flow proportional composite

**IV. EFFLUENT MONITORING REQUIREMENTS**

**A. Monitoring Location EFF-001**

1. The Discharger shall monitor effluent discharge to South Fork Battle Creek at EFF-001 as follows, when a discharge to South Fork Battle Creek occurs (with the

exception of priority pollutants). If the discharge is intermittent rather than continuous, then on the **first day** of the first such intermittent discharge following 31 October, the Discharger shall monitor and record data for all of the constituents listed below, except priority pollutants, after which the frequencies of analysis given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the schedule.

**Table E-3. Effluent Monitoring (discharge to South Fork Battle Creek)**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and (Minimum Level, units), respectively
Flow	mgd	Meter	Continuous	
pH	pH units	Grab	1/day	
Total Residual Chlorine <sup>1</sup>	mg/L	Grab	4/day	
BOD 5-day 20°C	mg/L, lbs/day	Grab	1/week	
Total Suspended Solids	mg/L, lbs/day	Grab	1/week	
Total Coliform Organisms	MPN/100 mL	Grab	1/week	
Temperature <sup>2</sup>	°F	Grab	1/week	
Nitrate (as N)	mg/L	Grab	1/week	
Nitrite (as N)	mg/L	Grab	1/week	
Ammonia (as N) <sup>3, 4</sup>	mg/L	Grab	1/month	
Electrical Conductivity @ 25°C	umhos/cm	Grab	1/month	
Standard Minerals <sup>6</sup>	mg/L	Grab	1/year	
Priority Pollutants <sup>5, 7, 10</sup>	ug/L	Grab	1/year <sup>9</sup>	
Acute Toxicity <sup>8</sup>	% Survival	Grab	Semi-annual	

<sup>1</sup> Total chlorine residual must be monitored with a method sensitive to and accurate at the permitted level of 0.01 mg/L.

<sup>2</sup> Effluent temperature monitoring shall be at the outfall location.

<sup>3</sup> Concurrent with biotoxicity monitoring.

<sup>4</sup> Report as total.

<sup>5</sup> For priority pollutant constituents with effluent limitations, detection limits shall be below the effluent limitations. If the lowest minimum level (ML) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan or SIP) is not below the effluent limitation, the detection limit shall be the lowest ML. For priority pollutant constituents without effluent limitations, the detection limits shall be equal to or less than the lowest ML published in Appendix 4 of the SIP.

<sup>6</sup> Standard minerals shall include the following: boron, calcium, iron, magnesium, potassium, sodium, chloride, manganese, phosphorus, total alkalinity (including alkalinity series), and hardness, and include verification that the analysis is complete (i.e., cation/anion balance).

<sup>7</sup> Concurrent with receiving surface water sampling.

<sup>8</sup> Rainbow trout shall be used at the test species.

<sup>9</sup> If there is no discharge to the receiving water during the discharge season (November 15 – April 15), then the annual effluent priority pollutant monitoring sample shall be taken from the filtered and disinfected effluent that is discharged into Pond #2. Four samples shall be collected during the time frame (November 15 – April 15) during the first two years after adoption of the Order. Two samples are required to be collected from November 15, 2007 through April 15, 2008, and two samples are required to be collected from November 15, 2008 through April 15, 2009. After April 15, 2009, one sample will be required annually during permitted discharge season (November 15 – April 15).

<sup>10</sup> Hardness, ammonia, pH, and temperature should be collected concurrent with the priority pollutant sampling.

## B. Monitoring Location – Not Applicable

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

- A. **Acute Toxicity Testing.** The Discharger shall conduct acute toxicity testing to determine whether the effluent is contributing acute toxicity to the receiving water. The Discharger shall meet the following acute toxicity testing requirements:
1. Monitoring Frequency – the Discharger shall perform **semi-annual** acute toxicity testing, concurrent with effluent ammonia sampling.
  2. Sample Types – For static non-renewal and static renewal testing, the samples shall be grab samples and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location EFF-001.
  3. Test Species – Test species shall be **rainbow trout (*Oncorhynchus mykiss*)**.
  4. Methods – The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, total residual chlorine, and pH shall be recorded at the time of sample collection. No pH adjustment may be made unless approved by the Executive Officer.
  5. Test Failure – If an acute toxicity test does not meet all test acceptability criteria, as specified in the test method, the Discharger must re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.
- B. **Chronic Toxicity Testing.** The Discharger shall conduct three species chronic toxicity testing to determine whether the effluent is contributing chronic toxicity to the receiving water. The Discharger shall meet the following chronic toxicity testing requirements:
1. Monitoring Frequency – the Discharger shall perform once during life of permit three species chronic toxicity testing.
  2. Sample Types – Effluent samples shall be grab samples and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location specified in the Monitoring and Reporting Program. The receiving water control shall be a grab sample obtained from the RSW-001 **(Upstream sampling location out of influence of the discharge)** sampling location, as identified in the Monitoring and Reporting Program.
  3. Sample Volumes – Adequate sample volumes shall be collected to provide renewal water to complete the test in the event that the discharge is intermittent.
  4. Test Species – Chronic toxicity testing measures sublethal (e.g. reduced growth, reproduction) and/or lethal effects to test organisms exposed to an effluent



compared to that of the control organisms. The Discharger shall conduct chronic toxicity tests with:

- The cladoceran, water flea, *Ceriodaphnia dubia* (survival and reproduction test);
  - The fathead minnow, *Pimephales promelas* (larval survival and growth test); and
  - The green alga, *Selenastrum capricornutum* (growth test).
5. **Methods** – The presence of chronic toxicity shall be estimated as specified in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.*
  6. **Reference Toxicant** – As required by the SIP, all chronic toxicity tests shall be conducted with concurrent testing with a reference toxicant and shall be reported with the chronic toxicity test results.
  7. **Dilutions** – The chronic toxicity testing shall be performed using 100% effluent and two controls. If toxicity is found in any effluent test, the Discharger must immediately retest using the dilution series identified in Table E-4, below. The receiving water control shall be used as the diluent (unless the receiving water is toxic).
  8. **Test Failure** –The Discharger must re-sample and re-test as soon as possible, but no later than fourteen (14) days after receiving notification of a test failure. A test failure is defined as follows:
    - a. The reference toxicant test or the effluent test does not meet all test acceptability criteria as specified in the *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002 (Method Manual),* and its subsequent amendments or revisions; or
    - b. The percent minimum significant difference (PMSD) measured for the test exceeds the upper PMSD bound variability criterion in Table 6 on page 52 of the Method Manual. (A retest is only required in this case if the test results do not exceed the monitoring trigger specified in <Special Provisions VI. 2.a.iii.>)

**Table E-4. Chronic Toxicity Testing Dilution Series**

Sample	Dilutions (%)					Controls	
	100	75	50	25	12.5	Receiving Water	Laboratory Water
% Effluent	100	75	50	25	12.5	0	0
% Receiving Water	0	25	50	75	87.5	100	0
% Laboratory Water	0	0	0	0	0	0	100

- C. **WET Testing Notification Requirements.** The Discharger shall notify the Regional Water Board within 24-hrs after the receipt of test results exceeding the monitoring trigger during regular or accelerated monitoring, or an exceedance of the acute toxicity effluent limitation.
- D. **WET Testing Reporting Requirements.** All toxicity test reports shall include the contracting laboratory's complete report provided to the Discharger and shall be in accordance with the appropriate "Report Preparation and Test Review" sections of the method manuals. At a minimum, whole effluent toxicity monitoring shall be reported as follows:
1. **Chronic WET Reporting.** Regular chronic toxicity monitoring results shall be reported to the Regional Water Board within 30 days following completion of the test, and shall contain, at minimum:
    - a. The results expressed in TUC, measured as 100/NOEC, and also measured as 100/LC<sub>50</sub>, 100/EC<sub>25</sub>, 100/IC<sub>25</sub>, and 100/IC<sub>50</sub>, as appropriate.
    - b. The statistical methods used to calculate endpoints;
    - c. The statistical output page, which includes the calculation of the percent minimum significant difference (PMSD);
    - d. The dates of sample collection and initiation of each toxicity test; and
    - e. The results compared to the numeric toxicity monitoring trigger.Additionally, the monthly discharger self-monitoring reports shall contain an updated chronology of chronic toxicity test results expressed in TUC, and organized by test species, type of test (survival, growth or reproduction), and monitoring frequency, i.e., either quarterly, monthly, accelerated, or TRE. (Note: items a through c, above, are only required when testing is performed using the full dilution series.)
  2. **Acute WET Reporting.** Acute toxicity test results shall be submitted with the monthly discharger self-monitoring reports and reported as percent survival.
  3. **TRE Reporting.** Reports for Toxicity Reduction Evaluations shall be submitted in accordance with the schedule contained in the Discharger's approved TRE Work Plan.
  4. **Quality Assurance (QA).** The Discharger must provide the following information for QA purposes:
    - a. Results of the applicable reference toxicant data with the statistical output page giving the species, NOEC, LOEC, type of toxicant, dilution water used, concentrations used, PMSD, and dates tested.
    - b. The reference toxicant control charts for each endpoint, which include summaries of reference toxicant tests performed by the contracting laboratory.
    - c. Any information on deviations or problems encountered and how they were dealt with.

**VI. LAND DISCHARGE MONITORING REQUIREMENTS**

**A. Monitoring Location LND-001 and LND-002**

1. The Discharger shall monitor the percolation/evaporation ponds at LND-001 and LND-002 as follows:

**Table E-5. Land Discharge Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>3</sup>	Required Analytical Test Method
Freeboard and Liquid Depth	Feet <sup>1</sup>	Visual	1/month	
Dissolved Oxygen	mg/L	Grab	1/week	
pH	Standard Units	Grab	1/month	
Observations <sup>2</sup>	--	--	1/month	

<sup>1</sup> Freeboard shall be monitored to the nearest tenth of a foot.

<sup>2</sup> Observations include: a) seepage through pond dikes; b) excessive odors or other nuisances; and c) excessive weed growth in ponds.

<sup>3</sup> If the percolation/evaporation pond is dry, it should be noted in the monitoring report.

**B. Monitoring Location- Not Applicable**

**VII. RECLAMATION MONITORING REQUIREMENTS – NOT APPLICABLE**

**VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER**

**A. Monitoring Location – RSW-001 and RSW-002**

1. The Discharger shall monitor South Fork Battle Creek at RSW-001 AND RSW-002 when effluent is being discharged to D-001 as follows:

**Table E-6. Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Creek Flow	cfs	staff gauge	Daily	
Total Residual Chlorine <sup>1</sup>	mg/L	Grab	4/day	
Dissolved Oxygen	mg/L	Grab	1/week	
pH	Standard Units	Grab	1/week	
Turbidity	NTU	Grab	1/week	
Temperature	°F (°C)	Grab	1/week	
Electrical Conductivity @ 25°C	umhos/cm	Grab	1/week	
Total Coliform Organisms	MPN/100 mL	Grab	1/week	
Nitrate (as N)	mg/L	Grab	1/during period of discharge <sup>4</sup>	
Nitrite (as N)	mg/L	Grab	1/during period of discharge <sup>4</sup>	
Ammonia (as N) <sup>2, 3</sup>	mg/L	Grab	1/month <sup>4</sup>	
Hardness (as CaCO <sub>3</sub> )	mg/L	Grab	1/month <sup>4</sup>	
Priority Pollutants <sup>4, 5, 7</sup>	ug/L	Grab	Annually <sup>4, 6</sup>	

<sup>1</sup> Total chlorine residual must be monitored with a method sensitive to and accurate at the permitted level of 0.01 mg/L.

<sup>2</sup> Concurrent with biotoxicity monitoring

<sup>3</sup> Report as total

<sup>4</sup> Receiving water samples to be collected from RSW-001 only

<sup>5</sup> For priority pollutant constituents with effluent limitations, detection limits shall be below the effluent limitations. If the lowest minimum level (ML) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan or SIP) is not below the effluent limitation, the detection limit shall be the lowest ML. For priority pollutant constituents without effluent limitations, the detection limits shall be equal to or less than the lowest ML published in Appendix 4 of the SIP.

<sup>6</sup> Priority pollutant sampling shall occur for four samples, collected during the first two years after adoption of the Order. Samples shall be collected from filtered, disinfected effluent, collected between November 15 and April 15.

<sup>7</sup> Hardness, ammonia, pH, and temperature should be collected concurrent with the priority pollutant sampling.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by Stations RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the monitoring report

**B. Monitoring Location – Not Applicable**

**IX. OTHER MONITORING REQUIREMENTS**

**A. Biosolids**

**1. Monitoring Location BIO-001**

1. A composite sample of sludge shall be collected at monitoring location BIO-001 prior to sludge removal from the ponds for disposal in accordance with USEPA's POTW Sludge Sampling and Analysis Guidance Document, August 1989, and tested for the metals listed in Title 22.
2. Sampling records shall be retained for a minimum of **five years**. A log shall be kept of sludge quantities generated and of handling and disposal activities. The frequency of entries is discretionary; however, the log should be complete enough to serve as a basis for part of the annual report.
3. Upon removal of sludge, the Discharger shall submit characterization of sludge quality, including sludge percent solids and quantitative results of chemical analysis for the priority pollutants listed in 40 CFR 122 Appendix D, Tables II and III (excluding total phenols). Suggested methods for analysis of sludge are provided in USEPA publications titled "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods" and "Test Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater". Recommended analytical holding times for sludge samples should reflect those specified in 40 CFR 136.6.3(e). Other guidance is available in USEPA's POTW Sludge Sampling and Analysis Guidance Document, August 1989.

**B. Municipal Water Supply**

**1. Monitoring Location SPL-001**

The Discharger shall monitor the Municipal Water Supply at SPL-001 as follows. A sampling station shall be established where a representative sample of the municipal water supply can be obtained.

**Table E-7. Municipal Water Supply Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Electrical Conductivity @ 25°C <sup>1</sup>	umhos/cm	Grab	1/year	
<sup>1</sup> If the water supply is from more than one source, the EC shall be reported as a weighted average and include copies of supporting calculations.				

**X. REPORTING REQUIREMENTS**

**A. General Monitoring and Reporting Requirements**

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
2. Upon written request of the Regional Water Board, the Discharger shall submit a summary monitoring report. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).
3. **Compliance Time Schedules.** For compliance time schedules included in the Order, the Discharger shall submit to the Regional Water Board, on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the compliance time schedule.
4. The Discharger shall report to the Regional Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act of 1986.
5. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in Part 136.

The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy ( $\pm$  a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
  - d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from *extrapolation* beyond the lowest point of the calibration curve.
6. **Multiple Sample Data.** When determining compliance with an AMEL, AWEL, or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
- a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
  - b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

## B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web

site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. Monitoring results shall be submitted to the Regional Water Board by the **first day** of the second month following sample collection. Semi-annual and annual monitoring results shall be submitted by the **first day of the second month following each calendar semi-annual period, and year**, respectively.
3. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with waste discharge requirements. The highest daily maximum for the month, monthly and weekly averages, and medians, and removal efficiencies (%) for BOD and Total Suspended Solids, shall be determined and recorded as needed to demonstrate compliance.
4. With the exception of flow, all constituents monitored on a continuous basis (metered), shall be reported as daily maximums, daily minimums, and daily averages; flow shall be reported as the total volume discharged per day for each day of discharge.
5. If the Discharger monitors any pollutant at the locations designated herein more frequently than is required by this Order, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.
6. A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions.
7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

Regional Water Quality Control Board  
Central Valley Region - Redding  
415 Knollcrest Drive, Suite 100  
Redding, CA 96002



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

**Table E-8. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	September 21, 2007	All	Submit with monthly SMR
Hourly	September 21, 2007	Hourly	Submit with monthly SMR
Daily	September 21, 2007	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	Submit with monthly SMR
Weekly	September 23, 2007	Sunday through Saturday	Submit with monthly SMR
Monthly	October 1, 2007	1 <sup>st</sup> day of calendar month through last day of calendar month	Submit on first day of the second month following sample collection
Semiannually	October 1, 2007	January 1 through June 30 July 1 through December 31	August 1 <sup>st</sup> and February 1 <sup>st</sup> each year
Annually	January 1st each year	January 1 through December 31	February 1 <sup>st</sup> each year

**C. Discharge Monitoring Reports (DMRs)**

- As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit SMRs that will satisfy federal requirements for submittal of Discharge Monitoring Reports (DMRs). Until such notification is given, the Discharger shall submit DMRs in accordance with the requirements described below.
- DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharger shall submit the original DMR and one copy of the DMR to the address listed below:

STANDARD MAIL	FEDEX/UPS/ OTHER PRIVATE CARRIERS
State Water Resources Control Board Division of Water Quality c/o DMR Processing Center PO Box 100 Sacramento, CA 95812-1000	State Water Resources Control Board Division of Water Quality c/o DMR Processing Center 1001 I Street, 15 <sup>th</sup> Floor Sacramento, CA 95814

- All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated cannot be accepted unless they follow the exact same format as EPA form 3320-1.

**D. Other Reports**

- Progress Reports.** As specified in the compliance time schedules required in Special Provisions VI, progress reports shall be submitted in accordance with the following reporting requirements. At minimum, the progress reports shall include a discussion of the status of final compliance, whether the Discharger is on schedule to meet the final compliance date, and the remaining tasks to meet the final compliance date.

**Table E-9. Reporting Requirements for Special Provisions Progress Reports**

Special Provision	Reporting Requirements
BPTC Study	<b>31 January</b> , annually, after approval of work plan
Salinity Evaluation and Minimization Plan	<b>31 January</b> , annually, after approval of work plan
Percolation/Evaporation Pond Investigation	<b>31 January</b> , annually, after approval of work plan

- Sludge Disposal Reporting.** The Discharger shall submit a sludge disposal plan describing the annual volume of sludge generated by the plant and specifying the disposal practices by **February 1<sup>st</sup> each year**.
- Within **60 days** of permit adoption, the Discharger shall submit a report outlining minimum levels, method detection limits, and analytical methods for approval, with a goal to achieve detection levels below applicable water quality criteria. At a minimum, the Discharger shall comply with the monitoring requirements for CTR constituents as outlined in Section 2.3 and 2.4 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, adopted 2 March 2000 by the State Water Resources Control Board. All peaks identified by analytical methods shall be reported.
- The Discharger’s sanitary sewer system collects wastewater using sewers, pipes, pumps, and/or other conveyance systems and directs the raw sewage to the wastewater treatment plant. A “sanitary sewer overflow” is defined as a discharge to ground or surface water from the sanitary sewer system at any point upstream of the wastewater treatment plant. Sanitary sewer overflows are prohibited by this Order. All violations must be reported as required in Standard Provisions. Facilities (such as wet wells, regulated impoundments, tanks, highlines, etc.) may be part of a sanitary sewer system and discharges to these facilities are not considered sanitary

sewer overflows, provided that the waste is fully contained within these temporary storage facilities.

5. **Annual Operations Report.** By **February 1<sup>st</sup> each year**, the Discharger shall submit a written report to the Executive Officer containing the following:
  - a. The names, certificate grades, and general responsibilities of all persons employed at the Facility.
  - b. The names and telephone numbers of persons to contact regarding the plant for emergency and routine situations.
  - c. A statement certifying when the flow meter(s) and other monitoring instruments and devices were last calibrated, including identification of who performed the calibration.
  - d. A statement certifying whether the current operation and maintenance manual, and contingency plan, reflect the wastewater treatment plant as currently constructed and operated, and the dates when these documents were last revised and last reviewed for adequacy.
  - e. The Discharger may also be requested to submit an annual report to the Regional Water Board with both tabular and graphical summaries of the monitoring data obtained during the previous year. Any such request shall be made in writing. The report shall discuss the compliance record. If violations have occurred, the report shall also discuss the corrective actions taken and planned to bring the discharge into full compliance with the waste discharge requirements.
  
6. **Annual Pretreatment Reporting Requirements.** – Not Applicable

## ATTACHMENT F – FACT SHEET

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**ATTACHMENT F – FACT SHEET**

As described in section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

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

**I. PERMIT INFORMATION**

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

<b>WDID</b>	<b>5A520102001</b>
<b>Discharger</b>	Tehama County Sanitation District No. 1
<b>Name of Facility</b>	Mineral Wastewater Treatment Plant, Mineral
<b>Facility Address</b>	37735 Highway 36E
	Mineral, CA 96063
	Tehama County
<b>Facility Contact, Title and Phone</b>	Gary Antone, Executive Director, 530-385-1462
<b>Authorized Person to Sign and Submit Reports</b>	Gary Antone, Executive Director, 530-385-1462
<b>Mailing Address</b>	9380 San Benito Ave, Gerber, CA 96035
<b>Billing Address</b>	SAME
<b>Type of Facility</b>	POTW
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	2
<b>Complexity</b>	B
<b>Pretreatment Program</b>	N
<b>Reclamation Requirements</b>	NA
<b>Influent Facility Dry Weather Permitted Flow</b>	0.070 (in million gallons per day)
<b>Facility Design Wet Weather Flow</b>	0.75 (in million gallons per day)
<b>Watershed</b>	Battle Creek
<b>Receiving Water</b>	South Fork Battle Creek
<b>Receiving Water Type</b>	Inland surface water

**A. Tehama County Sanitation District #1** (hereinafter Discharger) is the owner and operator of the Mineral Wastewater Treatment Plant (hereinafter Facility), a secondary wastewater treatment plant.

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

- B.** The Facility discharges wastewater to South Fork Battle Creek, a waters of the United States, and a tributary to Battle Creek, and is currently regulated by Order R5-2002-0115 which was adopted on June 7, 2002 and scheduled to expire on June 1, 2007. The terms and conditions of the current Order have been automatically continued and remain in effect until new Waste Discharge Requirements and NPDES permit are adopted pursuant to this Order.
- C.** The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on January 16, 2007. Supplemental information was requested on January 31, 2007 and received on March 21, 2007. A site visit was conducted on June 15, 2006, to observe operations and collect additional data to develop permit limitations and conditions.

## **II. FACILITY DESCRIPTION**

The Discharger provides sewerage service for the community of Mineral, California Transportation maintenance facility, the Lassen National Park Service headquarters, a church camp, and a U.S. Forest Service campground, with a population of approximately 700. The WWTP design daily average flow capacity is 0.070 mgd. During the last 10 years of operation, the Facility has only discharge a total of 11 days (10 days between 1997 and 2002, and only one day between 2002 and 2006 (last permit cycle). Between November 15 and April 15, wastewater may be discharged to South Fork Battle Creek, a water of the United States within the Sacramento River Watershed, but only when the South Fork Battle Creek flow is 35 cubic feet per second (cfs) or more. Additionally, discharge to the South Fork Battle Creek is prohibited from April 16 to November 14, unless approved by the Executive Office because of extreme conditions as presented in General Provision VI.C.6.d.

### **A. Description of Wastewater and Biosolids Treatment or Controls**

The treatment system at the Facility consists of a bar screen, flow measurement device, aeration basin, two 2.5-acre evaporation/percolation ponds, pressure filter, chlorine disinfection unit, and dechlorination unit (Figure C-1), which is used to treat domestic wastewater. Domestic effluent is filtered, chlorinated, and dechlorinated only when discharge is to surface water (South Fork Battle Creek), otherwise it is discharged to the two percolation/evaporation ponds (without filtering, chlorination/dechlorination). This

Permit contains provisions requiring the Discharger to comply with current federal and state laws and regulations for disposal of sewage sludge.

**B. Discharge Points and Receiving Waters**

1. The Facility is located in Section 26, T28N, R3E, MDB&M, as shown in Attachment B (Figure B-1), a part of this Order.
2. Treated municipal wastewater is discharged at Discharge Point 001 to South Fork Battle Creek, a water of the United States [and a tributary to Battle Creek] at a point Latitude 40°, 20', 54" N and longitude 121°, 37', 25" W (Figure C-2).

**C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data**

Effluent limitations/Discharge Specifications contained in the existing Order for discharges from D-001 (Monitoring Location M-001) and representative monitoring data from the term of the previous Order are as follows:

**Table F-2. Historic Effluent Limitations and Monitoring Data**

Parameter	Units	Effluent Limitation			Monitoring Data (From April 1997– To January 2007) <sup>5</sup>		
		Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
BOD <sup>1</sup>	mg/L lbs/day <sup>2</sup>	10 62	15 94	30 188	6.75 45.45	6.75 45.45	7.0 113
Total Suspended Solids	mg/L lbs/day <sup>2</sup>	30 188	45 280	90 560	8.50 60.97	8.50 60.97	11.0 113
Chlorine Residual <sup>3</sup>	mg/L	--	--	0.02 <sup>4</sup>	0	0	0
Total Coliform Organisms	MPN/100 mL	--	--	500	4.0	4.0	6.0

<sup>1</sup> 5-day, 20°C Biochemical Oxygen Demand (BOD).  
<sup>2</sup> Based on a peak allowable wet weather flow of 0.75 mgd. At lower flows, the "mass discharge" shall not exceed allowable discharge rates based on actual flows.  
<sup>3</sup> There is no limit for residual chlorine in the discharge to the land disposal area (neither is chlorination required prior to land disposal).  
<sup>4</sup> This limit applies to discreet samples analyzed in the laboratory or a 1-hour average from a continuous monitoring system.  
<sup>5</sup> Effluent data only available on seven days during time period April 1997 through January 2007

**D. Compliance Summary.** The following is a summary of violations noted during the monthly monitoring and reporting report review since the last permit cycle:



**Table F-3. Compliance Summary**

<u>Occurrence Date</u>	<u>Violation Description</u>
December 31, 2004	Missing information on sludge quantity
January 31, 2005	Missing DO, effluent readings in basins
February 28, 2005	Missing DO readings, report 4 days late
March 31, 2005	Missing DO readings, report 2 days late
April 30, 2005	Report 3 days late
May 31, 2005	Missing DO in ponds, freeboard <2.0 ft
June 30, 2005	Missing depth/freeboard measurements, report 5 days late
October 31, 2005	Missing all effluent data from ponds, report 8 days late
November 30, 2005	Report 6 days late
December 31, 2005	Missing DO in ponds, freeboard <2.0 ft, report 1 day late
December 31, 2005	Missing sludge information, report 1 day late - Annual 2005 Report
January 31, 2006	Monthly report 5 days late
March 31, 2006	Missing aeration basin readings, DO in Ponds #1 & #2
April 30, 2006	Missing DO in Ponds #1 & #2

#### **E. Planned Changes**

The Discharger has not submitted any planned changes to the Regional Water Board.

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

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in section II of the Limitations and Discharge Requirements (Findings). This section provides supplemental information, where appropriate, for the plans, policies, and regulations relevant to the discharge.

#### **A. Legal Authority**

See Limitations and Discharge Requirements - Findings, Section II.C.

#### **B. California Environmental Quality Act (CEQA)**

See Limitations and Discharge Requirements - Findings, Section II.E.

#### **C. State and Federal Regulations, Policies, and Plans**

- 1. Water Quality Control Plans.** The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised August 2006), for the Sacramento and San Joaquin River Basins* (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Board Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do

not have beneficial uses listed in the Basin Plan. The beneficial uses of the South Fork Battle Creek downstream of the discharge are agricultural supply, including stock watering; hydropower generation; water contact recreation, including canoeing and rafting; non-contact water recreation, including aesthetic enjoyment; warm freshwater habitat; cold freshwater habitat; cold migration of aquatic organisms; warm spawning, reproduction, and/or early development; cold spawning, reproduction, and/or early development; and wildlife habitat. Potential beneficial uses of South Fork Battle Creek are municipal and domestic supply use.

The Basin Plan on page II-1.00 states: “*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...*” and with respect to disposal of wastewaters states that “*...disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses.*”

The federal CWA section 101(a)(2), states: “*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water be achieved by July 1, 1983.*” Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after November 28, 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section 131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

This Order contains Effluent Limitations requiring a secondary level of treatment, or equivalent, which is necessary to protect the beneficial uses of the receiving water. The Regional Water Board has considered the factors listed in CWC section 13241 in establishing these requirements, as discussed in more detail in the Fact Sheet, Attachment F, IV. D.

**2. Thermal Plan. Not Applicable**

**3. Bay-Delta Plan. Not Applicable**

- 4. Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law.

Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (Attachment F, Section IV.D.4.) the discharge is consistent with the antidegradation provisions of 40 CFR section 131.12 and State Water Board Resolution 68-16.

5. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Compliance with the Anti-Backsliding requirements is discussed in Section IV.D.3.
6. **Emergency Planning and Community Right to Know Act.** Section 13263.6(a), California Water Code, requires that *"the Regional Water Board shall prescribe effluent limitations as part of the waste discharge requirements of a POTW for all substances that the most recent toxic chemical release data reported to the state emergency response commission pursuant to Section 313 of the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. Sec. 11023) (EPCRA) indicate as discharged into the POTW, for which the State Water Board or the Regional Water Board has established numeric water quality objectives, and has determined that the discharge is or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to, an excursion above any numeric water quality objective"*.
7. **Stormwater Requirements.** USEPA promulgated Federal Regulations for storm water on 16 November 1990 in 40 CFR Parts 122, 123, and 124. The NPDES Industrial Storm Water Program regulates storm water discharges from wastewater treatment facilities. Wastewater treatment plants are applicable industries under the stormwater program and are obligated to comply with the Federal Regulations. This facility is not subject to the General Permit for Industrial Storm Water, because the discharge is less than 1.0 mgd.
8. **Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

#### D. Impaired Water Bodies on CWA 303(d) List

1. Under Section 303(d) of the 1972 Clean Water Act, states, territories and authorized tribes are required to develop lists of water quality limited segments. The waters on

these lists do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. On July 25, 2003 USEPA gave final approval to California's 2002 Section 303(d) List of Water Quality Limited Segments. The Basin Plan references this list of Water Quality Limited Segments (WQLSs), which are defined as "...those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate limitations for point sources (40 CFR 130, et seq.)." The Basin Plan also states, "Additional treatment beyond minimum federal standards will be imposed on dischargers to [WQLSs]. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment." Battle Creek or South Fork Battle Creek is not on a 303(d) list.

2. **Total Maximum Daily Loads.** The USEPA requires the Regional Water Board to develop total maximum daily loads (TMDLs) for each 303(d) listed pollutant and water body combination. A TMDL has not been proposed for Battle Creek or the South Fork Battle Creek.

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

1. The discharge authorized herein and the treatment and storage facilities associated with the discharge of treated municipal wastewater, except for discharges of residual sludge and solid waste, are exempt from the requirements of Title 27, California Code of Regulations (CCR), section 20005 *et seq.* (hereafter Title 27). The exemption, pursuant to Title 27 CCR section 20090(a), is based on the following:
  - a. The waste consists primarily of domestic sewage and treated effluent;
  - b. The waste discharge requirements are consistent with water quality objectives; and
  - c. The treatment and storage facilities described herein are associated with a municipal wastewater treatment plant.
2. The State Water Board adopted the *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*. The requirements within this Order are consistent with the Policy.

#### **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.

The Federal CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or

federal law [33 U.S.C., § 1311(b)(1)(C); 40 CFR, § 122.44(d)(1)]. NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to Federal Regulations, 40 CFR Section 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that “*are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.*” Federal Regulations, 40 CFR, §122.44(d)(1)(vi), further provide that “[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits.”

Based on previous CTR sampling, the Regional Water Board finds that there is not sufficient information to determine if the discharge has a reasonable potential to cause or contribute to an in-stream excursions above applicable water quality standards, and therefore, water quality based effluent limitations for CTR parameters are not included in this Order for pollutants that were not already regulated by Order No. R5-2002-0115. The Discharger collected two effluent/receiving water samples. Both of the samples were collected when there was no discharge to South Fork Battle Creek (there was only one day of discharge during the last 5 years). The effluent CTR samples were collected from the ponds (before final filtration and disinfection). One of the samples was collected over 5 years ago. The wastewater in the ponds is not representative of the final effluent because filtration would reduce the concentrations of pollutants in the discharge such as total metals. The Discharger made modifications to the plant, that enable them to route wastewater through the entire process without discharging to receiving water (returning effluent to the ponds) so that representative samples of the effluent now can be collected without discharging to surface waters. The Regional Water Board finds that relying on samples that are not representative of the true effluent is not sufficient to determine reasonable potential for the CTR parameters. This Order requires additional sampling and reporting to make this determination. A total of four samples (effluent and receiving water) during the first 2 years after adoption will be collected and analyzed to determine if there is the reasonable potential of the effluent to cause an in-stream excursions above applicable water quality standards. All samples will be collected from the filtered/disinfected effluent, during the period of discharge (November 15 – April 15). If there is a reasonable potential, then the Order will be reopened and effluent limits will be assigned to the CTR parameters as applicable.

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 CFR §122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water where

numeric water quality objectives have not been established. The Regional Water Board's Basin Plan, page IV-17.00, contains an implementation policy ("Policy for Application of Water Quality Objectives" that specifies that the Regional Water Board "will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives." This Policy complies with 40 CFR §122.44(d)(1). With respect to narrative objectives, the Regional Water Board must establish effluent limitations using one or more of three specified sources, including (1) EPA's published water quality criteria, (2) a proposed state criterion (*i.e.*, water quality objective) or an explicit state policy interpreting its narrative water quality criteria (*i.e.*, the Regional Water Board's "Policy for Application of Water Quality Objectives")(40 CFR 122.44(d)(1)(vi) (A), (B) or (C)), or (3) an indicator parameter. The Basin Plan contains a narrative objective requiring that: "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life" (narrative toxicity objective). The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, discoloration, toxic substances, radionuclides, or taste and odor producing substances that adversely affect beneficial uses. The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The Basin Plan also limits chemical constituents in concentrations that adversely affect surface water beneficial uses. For waters designated as municipal, the Basin Plan specifies that, at a minimum, waters shall not contain concentrations of constituents that exceed Maximum Contaminant Levels (MCL) of CCR Title 22. The Basin Plan further states that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.

## **A. Discharge Prohibitions**

1. *As stated in section I.G of Attachment D, Standard Provisions, this Order prohibits bypass from any portion of the treatment facility. Federal Regulations, 40 CFR 122.41 (m), define "bypass" as the intentional diversion of waste streams from any portion of a treatment facility. This section of the Federal Regulations, 40 CFR 122.41 (m)(4), prohibits bypass unless it is unavoidable to prevent loss of life, personal injury, or severe property damage. In considering the Regional Water Board's prohibition of bypasses, the State Water Board adopted a precedential decision, Order No. WQO 2002-0015, which cites the Federal Regulations, 40 CFR 122.41(m), as allowing bypass only for essential maintenance to assure efficient operation.*

## **B. Technology-Based Effluent Limitations**

### **1. Scope and Authority**

Regulations promulgated in section 125.3(a)(1) require technology-based effluent limitations for municipal Dischargers to be placed in NPDES permits based on Secondary Treatment Standards or Equivalent to Secondary Treatment Standards.

The Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) established the minimum performance requirements for POTWs [defined in section 304(d)(1)]. Section 301(b)(1)(B) of that Act requires that such treatment works must, as a minimum, meet effluent limitations based on secondary treatment as defined by the USEPA Administrator.

Based on this statutory requirement, USEPA developed secondary treatment regulations, which are specified in Part 133. These technology-based regulations apply to all municipal wastewater treatment plants and identify the minimum level of effluent quality attainable by secondary treatment in terms of biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), and pH.

## 2. Applicable Technology-Based Effluent Limitations

- a. **BOD<sub>5</sub> and TSS.** Federal Regulations, 40 CFR, Part 133, establish the minimum weekly and monthly average level of effluent quality attainable by secondary treatment for BOD<sub>5</sub> and TSS. A daily maximum effluent limitation for BOD<sub>5</sub> and TSS is also included in the Order to ensure that the treatment works are not organically overloaded and operate in accordance with design capabilities. In addition, 40 CFR 133.102, in describing the minimum level of effluent quality attainable by secondary treatment, states that the 30-day average percent removal shall not be less than 85 percent. This Order contains a limitation requiring an average of 85 percent removal of BOD<sub>5</sub> and TSS over each calendar month.
- b. **Flow.** The Mineral Wastewater Treatment Plant was designed to provide a secondary level of treatment for up to an influent design flow of 0.070 mgd (dry weather flow), and peak wet weather discharge flow of 0.75 mgd.

**Summary of Technology-based Effluent Limitations  
 Discharge Point D-001**

**Table F-4. Summary of Technology-based Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Peak Wet Weather Flow	mgd	0.75				
BOD <sup>1</sup>	mg/L	10	15	30		
	lbs/day <sup>2</sup>	62	94	188		
Total Suspended Solids	mg/L	30	45	90		
	lbs/day	188	281	564		
pH	pH units				6.0	9.0
Removal	85% removal BOD <sub>5</sub> and TSS					
<sup>1</sup> 5-day, 20°C Biochemical Oxygen Demand (BOD)						
<sup>2</sup> Based upon a design average peak wet weather flow of 0.75 mgd						

**C. Water Quality-Based Effluent Limitations (WQBELs)**

**1. Scope and Authority**

As specified in section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an in-stream excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

**2. Applicable Beneficial Uses and Water Quality Criteria and Objectives**

a. **Receiving Water.** The receiving water for the Mineral Wastewater Treatment Plant is South Fork Battle Creek. The Basin Plan does not specifically identify beneficial uses for South Fork Battle Creek, but does identify present and potential uses for Battle Creek, to which South Fork Battle Creek is tributary. These beneficial uses are as follows: agricultural supply, including stock watering; hydropower generation; water contact recreation, including canoeing and rafting; non-contact water recreation, including aesthetic enjoyment; warm freshwater habitat; cold freshwater habitat; cold migration of aquatic organisms; warm spawning, reproduction, and/or early development; cold spawning, reproduction, and /or early development; and wildlife habitat. The Basin Plan does not list municipal or domestic supply as a beneficial use of Battle Creek, however, Resolution No. 88-63 states *"Where a body of water is not currently designated as MUN but, in the opinion of a Regional Board, is presently or*



*potentially suitable for MUN, the Regional Board shall include MUN in the beneficial use designation.”*

- b. **Hardness.** While no effluent limitation for hardness is necessary in this Order, hardness is critical to the assessment of the need for, and the development of, effluent limitations for certain metals. The *California Toxics Rule*, at (c)(4), states the following:

*“Application of metals criteria. (i) For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, for waters with a hardness of 400 mg/L or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations.”*  
[emphasis added]

The State Water Board, in footnote 19 to Water Quality Order No. 2004-0013, stated: *“We note that...the Regional Water Board...applied a variable hardness value whereby effluent limitations will vary depending on the actual, current hardness values in the receiving water. We recommend that the Regional Water Board establish either fixed or seasonal effluent limitations for metals, as provided in the SIP, rather than ‘floating’ effluent limitations.”*

Effluent limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. In the absence of the option of including condition-dependent, “floating” effluent limitations that are reflective of actual conditions at the time of discharge, effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions.

**c. Assimilative Capacity/Mixing Zone. Not Applicable**

**3. Determining the Need for WQBELs**

- a. CWA section 301 (b)(1) requires NPDES permits to include effluent limitations that achieve technology-based standards and any more stringent limitations necessary to meet water quality standards. Water quality standards include Regional Water Board Basin Plan beneficial uses and narrative and numeric water quality objectives, State Water Board-adopted standards, and federal standards, including the CTR and NTR. The Basin Plan includes numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, and tastes and odors. The narrative toxicity objective states: *“All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.”* (Basin Plan at III-8.00.) With regards to the narrative chemical constituents objective, the Basin Plan states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, *“...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)”* in Title 22 of CCR. The narrative tastes and odors

objective states: “*Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.*”

- b. Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs, the Regional Water Board finds that there is not sufficient information to determine if the discharge has a reasonable potential to cause or contribute to an in-stream excursion above applicable water quality standards, and therefore, water quality based effluent limitations for CTR parameters are not included in this Order for pollutants that were not already regulated by Order No. R5-2002-0115. The Discharger collected two effluent/receiving water samples. Both of the samples were collected when there was no discharge to South Fork Battle Creek (there was only one day of discharge during the last 5 years). The effluent CTR samples were collected from the ponds (before final filtration and disinfection). One of the samples was collected over 5 years ago. The Regional Water Board finds that relying on samples that are not representative of the true effluent is not sufficient to determine reasonable potential for the CTR parameters. This Order requires additional sampling and reporting to make this determination. A total of four samples (effluent and receiving water) during the first 2 years after adoption will be collected and analyzed to determine if there is the reasonable potential of the effluent to cause an in-stream excursion above applicable water quality standards. All samples will be collected from the filtered/disinfected effluent, during the period of discharge (November 15 – April 15). If there is a reasonable potential, then the Order will be reopened and effluent limits will be assigned to the CTR parameters as applicable. This accelerated sampling schedule is required to allow sufficient time to analyze the CTR data and to reopen the permit and set interim and/or final effluent limits that will allow the Facility to come into compliance before 18 May 2010. The 18 May 2010 date in the SIP states that a compliance schedule may not exceed five years from the date that the permit is issued or reissued, nor may it extend beyond ten years from the effective date of the SIP (or 18 May 2010) to establish and comply with CTR criterion-based effluent limitations.
- c. **Ammonia.** Untreated domestic wastewater contains ammonia. Nitrification is a biological process that converts ammonia to nitrite and nitrite to nitrate. Denitrification is a process that converts nitrate to nitrite or nitric oxide and then to nitrous oxide or nitrogen gas, which is then released to the atmosphere. The Discharger does not currently use nitrification to remove ammonia from the waste stream. Inadequate or incomplete nitrification may result in the discharge of ammonia to the receiving stream. Ammonia is known to cause toxicity to aquatic

organisms in surface waters. Discharges of ammonia would violate the Basin Plan narrative toxicity objective. Applying 40 CFR section 122.44(d)(1)(vi)(B), it is appropriate to use USEPA's Ambient National Water Quality Criteria for the Protection of Freshwater Aquatic Life for ammonia, which was developed to be protective of aquatic organisms.

USEPA's *Ambient Water Quality Criteria for the Protection of Freshwater Aquatic Life*, for total ammonia, recommends acute (1-hour average; criteria maximum concentration) standards based on pH and chronic (30-day average, criteria continuous concentration) standards based on pH and temperature. It also recommends a maximum four-day average concentration of 2.5 times the criteria continuous concentration. USEPA found that as pH increased, both the acute and chronic toxicity of ammonia increased. Salmonids were more sensitive to acute toxicity effects than other species. However, while the acute toxicity of ammonia was not influenced by temperature, it was found that invertebrates and young fish experienced increasing chronic toxicity effects with increasing temperature. Because the South Fork Battle Creek has a beneficial use of cold freshwater habitat and the presence of salmonids and early fish life stages in South Fork Battle Creek is well-documented, the recommended criteria for waters where salmonids and early life stages are present were used. USEPA's recommended criteria are show below:

$$CCC_{30\text{-day}} = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \times \text{MIN}(2.85, 1.45 \cdot 10^{0.028(25 - T)}), \text{ and}$$

$$CMC = \left( \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}} \right),$$

where  $T$  is in degrees Celsius

This Permit only allows the discharge of effluent to surface waters from November 15 to April 15 and during periods when flow in South Fork Battle Creek, adjacent to the facility, is less than 35 cfs is prohibited. Exceptions to this prohibition may be granted by the Executive Officer during emergency circumstances, if the Discharger has previously undertaken a program of adequate maintenance and improved disinfection (See General Provision VI.C.6.d). Currently, there is not true representative analytical data to calculate ammonia effluent limits. The temperature and pH data is from samples out of the ponds and are not representative of pH and temperature of the discharge. The Regional Water Board finds that relying on samples that are not representative of the true effluent is not sufficient to determine reasonable potential for ammonia. This Order requires additional sampling and reporting to make this determination. A total of four samples (effluent and receiving water) during the first 2 years after adoption will be collected and analyzed to determine if there is the reasonable potential of the effluent to cause an in-stream excursions above applicable water quality standards for ammonia. All samples will be collected from the filtered/disinfected effluent, during the period of discharge (November 15 – April

15). If there is a reasonable potential, then the Order will be reopened and effluent limits will be assigned to the parameter as applicable.

- d. **Chlorine Residual.** The Discharger uses chlorine for disinfection, which is extremely toxic to aquatic organisms. The Discharger uses a sulfur dioxide process to dechlorinate the effluent prior to discharge to **South Fork Battle Creek**. Due to the existing chlorine use and the potential for chlorine to be discharged, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the Basin Plan's narrative toxicity objective.

The USEPA Technical Support Document for Water Quality-Based Toxics Control [EPA/505/2-90-001] contains statistical methods for converting chronic (four-day) and acute (one-hour) aquatic life criteria to average monthly and maximum daily effluent limitations based on the variability of the existing data and the expected frequency of monitoring. However, because chlorine is an acutely toxic constituent that can and will be monitored continuously, an average one-hour limitation is considered more appropriate than an average daily limitation. Average one-hour and four-day limitations for chlorine, based on these criteria, are included in this Order. The Discharger can immediately comply with these new effluent limitations for chlorine residual.

The Facility discharges to South Fork Battle Creek. The chlorine residual limitations required in this Order are protective of aquatic organisms in the undiluted discharge. If compliance is maintained, the Regional Water Board does not anticipate residual chlorine impacts to benthic organisms. This Order requires the Discharger to collect four residual chlorine grab effluent samples on a daily basis during discharge to South Fork Battle Creek. During the past permit cycle; there was only one day of discharge to South Fork Battle Creek. A continuous residual chlorine meter is considered unnecessary due to the limited days of discharge and because continuous chlorine monitoring for such a short duration would not be practical given the complexities with the equipment. Grab effluent samples for total residual chlorine should be appropriate to determine compliance with the total residual chlorine effluent limitation.

- e. **Electrical Conductivity. (see Subsection h. Salinity)**
- f. **Pathogens.** The beneficial uses of the South Fork Battle Creek include potential municipal and domestic supply, water contact recreation, and agricultural irrigation supply, and there is at times only a 30:1 dilution. To protect these beneficial uses, the Regional Water Board finds that the wastewater must be disinfected and adequately treated to prevent disease when discharging to South Fork Battle Creek. The principal infectious agents (pathogens) that may be present in raw sewage may be classified into three broad groups: bacteria, parasites, and viruses. The Mineral WWTP currently uses a filter along with disinfection to remove approximately 99.5% of viruses. Filtration is an effective means of reducing viruses and parasites from the waste stream. The wastewater must be treated (filtered), or equivalent, to protect contact

recreational and food crop irrigation uses. Based on a review of data submitted by the Discharger and the period of record for the United States Geological Survey monitoring stations on the South Fork Battle Creek, the minimum dilution (February 20, 2004) was approximately 125:1, however this dilution was from a series of only three flow gauging events in 2002, 2004 and 2005. During the last 5 years, there was only one day of discharge (December 30, 2005), and the dilution in South Fork Battle Creek was approximately 131:1. This Order prohibits the discharge to South Fork Battle Creek unless the flow is at least 35 cfs in South Fork Battle Creek. At the 35 cfs flow of South Fork Battle Creek, and a maximum discharge of 0.75 mgd, there would be a minimum 30:1 dilution.

- g. **pH.** The Basin Plan includes a water quality objective for surface waters (except for Goose Lake) that the “...pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.” Effluent Limitations for pH are included in this Order based on the Basin Plan objectives for pH.
- h. **Salinity.** The discharge contains electrical conductivity (EC). The water quality parameter that are indicative of the salinity of the water. Their presence in water can be growth limiting to certain agricultural crops and can affect the taste of water for human consumption. There are no USEPA water quality criteria for the protection of aquatic organisms for these constituents. The Basin Plan contains a chemical constituent objective that incorporates State MCLs, contains a narrative objective, and contains numeric water quality objectives for EC.

**Table F-5. Salinity Water Quality Criteria/Objectives**

Parameter	Agricultural WQ Goal <sup>1</sup>	Secondary MCL <sup>3</sup>	Effluent	
			Avg	Max
EC (umhos/cm)	900 <sup>2</sup>	900, 1600, 2200	130	220
<sup>1</sup> Agricultural water quality goals based on <i>Water Quality for Agriculture</i> , Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985) <sup>2</sup> Agricultural water quality goals listed provide no restrictions on crop type or irrigation methods for maximum crop yield. Higher concentrations may require special irrigation methods to maintain crop yields or may restrict types of crops grown. <sup>3</sup> The secondary MCLs are stated as a recommended level, upper level, and a short-term maximum level.				

- 1. **Electrical Conductivity (EC).** The secondary MCL for EC is 900 umhos/cm as a recommended level, 1600 umhos/cm as an upper level, and 2200 umhos/cm as a short-term maximum. The agricultural water quality goal, that would apply the narrative chemical constituents objective, is 900 umhos/cm as a long-term average based on *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). The 900 umhos/cm agricultural water quality goal is intended to prevent reduction in crop yield.

A review of the Discharger's monitoring reports from August 2002 through January 2007 shows an average effluent EC of **130 umhos/cm**, with a range from **40 umhos/cm to 220 umhos/cm** for 3 samples. The background receiving water EC averaged **48.5 umhos/cm** in 2 sampling events collected by the Discharger from August 2002 through January 2007. These data show that the receiving water frequently has assimilative capacity for EC.

**2. Salinity Effluent Limitations and Evaluation and Minimization Plan.** The average electrical conductivity in the discharge is 130 umhos/cm, which is less than the lowest applicable criteria of 900 umhos/cm (agricultural water quality goal). No reasonable potential exists, nonetheless, in an effort to minimize salt loading to the Sacramento River, this Order requires the Discharger to submit a salinity evaluation and minimization plan to address sources of salinity from the Facility.

i. **Settleable Solids.** For inland surface waters, the Basin Plan states that "[w]ater shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses." This Order contains narrative effluent limitations for settleable solids.

j. **Toxicity.** See Section IV.C.5. of the Fact Sheet regarding whole effluent toxicity.

#### 4. WQBEL Calculations

a. The Discharger conducted monitoring for priority and non-priority pollutants. The analytical results were submitted to the Regional Water Board. The results of these sampling events were used in developing this Order. Effluent limitations are included in the Order to protect the beneficial uses of the receiving stream and to ensure that the discharge complies with the Basin Plan objective that toxic substances not be discharged in toxic amounts. Unless otherwise noted, all mass limitations in this Order were calculated by multiplying the concentration limitation by the design flow and the appropriate unit conversion factors. Results from priority pollutants are not included because the data is not sufficient to determine if a reasonable potential exists. This Order requires additional priority pollutant sampling before effluent limits are assessed for the priority pollutants.

b. **Effluent Limitation Calculations.** In calculating maximum effluent limitations, the effluent concentration allowances were set equal to the criteria/standards/objectives.

$$ECA_{acute} = CMC \qquad ECA_{chronic} = CCC$$

For the human health, agriculture, or other long-term criterion/objective, a dilution credit can be applied. The ECA is calculated as follows:

$$ECA_{HH} = HH + D(HH - B)$$

where:

$ECA_{acute}$  = effluent concentration allowance for acute (one-hour average) toxicity criterion

$ECA_{chronic}$  = effluent concentration allowance for chronic (four-day average) toxicity criterion

$ECA_{HH}$  = effluent concentration allowance for human health, agriculture, or other long-term criterion/objective

CMC = criteria maximum concentration (one-hour average)

CCC = criteria continuous concentration (four-day average, unless otherwise noted)

HH = human health, agriculture, or other long-term criterion/objective

D = dilution credit

B = maximum receiving water concentration

Acute and chronic toxicity ECAs were then converted to equivalent long-term averages (LTA) using statistical multipliers and the lowest is used. Additional statistical multipliers were then used to calculate the maximum daily effluent limitation (MDEL) and the average monthly effluent limitation (AMEL).

Human health ECAs are set equal to the AMEL and a statistical multiplier is used to calculate the MDEL.

$$\begin{aligned}
 & \overbrace{\min(M_A ECA_{acute}, M_C ECA_{chronic})}^{LTA_{acute}} \\
 AMEL &= mult_{AMEL} [\min(M_A ECA_{acute}, M_C ECA_{chronic})] \\
 MDEL &= mult_{MDEL} [\min(M_A ECA_{acute}, M_C ECA_{chronic})] \\
 & \underbrace{\min(M_A ECA_{acute}, M_C ECA_{chronic})}_{LTA_{chronic}} \\
 MDEL_{HH} &= \left( \frac{mult_{MDEL}}{mult_{AMEL}} \right) AMEL_{HH}
 \end{aligned}$$

where:  $mult_{AMEL}$  = statistical multiplier converting minimum LTA to AMEL  
 $mult_{MDEL}$  = statistical multiplier converting minimum LTA to MDEL  
 $M_A$  = statistical multiplier converting CMC to LTA  
 $M_C$  = statistical multiplier converting CCC to LTA

## 5. Whole Effluent Toxicity (WET)

For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Discharger to conduct whole effluent toxicity testing for acute and chronic toxicity, as specified in the Monitoring and Reporting Program (Attachment E,

Section V.). This Order also contains effluent limitations for acute toxicity and requires the Discharger to implement best management practices to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity.

a. **Acute Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” (Basin Plan at III-8.00) The Basin Plan also states that, “...effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate...”. USEPA Region 9 provided guidance for the development of acute toxicity effluent limitations in the absence of numeric water quality objectives for toxicity in its document titled "Guidance for NPDES Permit Issuance", dated February 1994. In section B.2. "Toxicity Requirements" (pgs. 14-15) it states that, "In the absence of specific numeric water quality objectives for acute and chronic toxicity, the narrative criterion 'no toxics in toxic amounts' applies. Achievement of the narrative criterion, as applied herein, means that ambient waters shall not demonstrate for acute toxicity: 1) less than 90% survival, 50% of the time, based on the monthly median, or 2) less than 70% survival, 10% of the time, based on any monthly median. For chronic toxicity, ambient waters shall not demonstrate a test result of greater than 1 TUc." Accordingly, effluent limitations for acute toxicity have been included in this Order as follows:

**Acute Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassays -----	70%
Median for any three or more consecutive bioassays -----	90%

b. **Chronic Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” (Basin Plan at III-8.00) Adequate WET data is not available to determine if the discharge has reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan’s narrative toxicity objective. Attachment E of this Order requires semi-annual chronic WET monitoring for demonstration of compliance with the narrative toxicity objective.

In addition to WET monitoring, Special Provisions VI.C.2.a. requires the Discharger to submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if a pattern of toxicity is demonstrated.



## D. Final Effluent Limitations

### 1. Mass-based Effluent Limitations.

Title 40 CFR 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 CFR 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of concentration (e.g. CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

Mass-based effluent limitations were calculated based upon the permitted average daily discharge flow allowed in Section IV.A.1.a of the Limitations and Discharge Requirements.

### 2. Averaging Periods for Effluent Limitations.

Title 40 CFR 122.45 (d) requires average weekly and average monthly discharge limitations for publicly owned treatment works (POTWs) unless impracticable. However, for toxic pollutants and pollutant parameters in water quality permitting, the US EPA recommends the use of a maximum daily effluent limitation in lieu of average weekly effluent limitations for two reasons. *“First, the basis for the 7-day average for POTWs derives from the secondary treatment requirements. This basis is not related to the need for assuring achievement of water quality standards. Second, a 7-day average, which could comprise up to seven or more daily samples, could average out peak toxic concentrations and therefore the discharge’s potential for causing acute toxic effects would be missed.”* (TSD, pg. 96) This Order utilizes maximum daily effluent limitations in lieu of average weekly effluent limitations for chlorine residual and dissolved oxygen as recommended by the TSD for the achievement of water quality standards and for the protection of the beneficial uses of the receiving stream. Furthermore, for BOD, TSS, pH, coliform, and turbidity, weekly average effluent limitations have been replaced or supplemented with effluent limitations utilizing shorter averaging periods. The rationale for using shorter averaging periods for these constituents is discussed in Attachment F, Section IV.C.3., above.

### 3. Satisfaction of Anti-Backsliding Requirements.

All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

### 4. Satisfaction of Antidegradation Policy

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these

requirements will result in the use of best practicable treatment or control of the discharge. .

- a. **Surface Water.** \*The permitted surface water discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge.

Only domestic wastewater will be discharged from the Facility. During discharge to surface water, the effluent is filtered and disinfected. During the last permit cycle (5 years), there was only one day of discharge to surface water. Over the last two permit cycles (10 years), there were only eleven days of discharge to South Fork Battle Creek. The permit only allows the discharge to occur when the flow of South Fork Battle Creek is 35 cfs (dilution ratio of greater than 30:1). Given the limited discharge to surface waters (with high dilution), it is Regional Water Board staff's professional opinion that the discharge does not degrade surface waters.

- b. **Groundwater.** The Discharger utilizes evaporation/percolation ponds. Domestic wastewater contains constituents such as *total dissolved solids (TDS), specific conductivity, pathogens, nitrates, organics, metals and oxygen demanding substances (BOD)*. Percolation from the *ponds* may result in an increase in the concentration of these constituents in groundwater. The increase in the concentration of these constituents in groundwater must be consistent with Resolution 68-16. Any increase in pollutant concentrations in groundwater must be shown to be necessary to allow wastewater utility service necessary to accommodate housing and economic expansion in the area and must be consistent with maximum benefit to the people of the State of California. Some degradation of groundwater by the Discharger is consistent with Resolution 68-16 provided that:

- ii. the degradation is limited in extent;
- iii. the degradation after effective source control, treatment, and control is limited to waste constituents typically encountered in municipal wastewater as specified in the groundwater limitations in this Order;
- iv. the Discharger minimizes the degradation by fully implementing, regularly maintaining, and optimally operating best practicable treatment and control (BPTC) measures; and
- v. the degradation does not result in water quality less than that prescribed in the Basin Plan.

Table F-6 contains a summary of the Final Effluent Limitations for the Discharge Point D-001.

**Table F-6. Summary of Final Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Peak Wet Weather Flow	mgd	0.75				
BOD <sup>1</sup>	mg/L	10	15	30		
	lbs/day <sup>2</sup>	62	94	188		
Total Suspended Solids	mg/L	30	45	90		
	lbs/day <sup>2</sup>	188	281	563		
Electrical Conductivity (25° C)	umhos/cm	900				
pH	pH units				6.0	9.0
Total Residual Chlorine	mg/L		0.01 <sup>3</sup>	0.02 <sup>4</sup>		
Total Coliform Organisms	MPN/100 mL		23	240		
<sup>1</sup> 5-day, 20°C Biochemical Oxygen Demand (BOD) <sup>2</sup> Based upon a design peak wet weather treatment capacity of 0.75 mgd <sup>3</sup> 4-day average <sup>4</sup> 1-hour average						

## **E. Interim Effluent Limitations – Not Applicable**

## **F. Land Discharge Specifications**

1. The Land Discharge Specifications are necessary to protect the beneficial uses of the groundwater.
2. The discharge of waste classified as “hazardous” as defined in section 2521(a) of Title 23, California Code of Regulations (CCR), or “designated”, as defined in section 13173 of the CWC, to the storage ponds is prohibited.
3. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas (or property owned by the Discharger).
4. As a means of discerning compliance with Land Discharge Specification No. 3, the dissolved oxygen content in the upper zone (1 foot) of wastewater in ponds shall not be less than 1.0 mg/L..
5. Ponds shall not have a pH less than 6.0 or greater than 9.0.
6. The wastewater ponds shall be managed to prevent breeding of mosquitoes. In particular:
  - iii. Weeds shall be minimized;
  - iv. Dead algae, vegetation, and debris shall not accumulate on the water surface.
6. Public contact with the wastewater shall be precluded through such means as fences, signs, or other acceptable alternatives.
7. The wastewater ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the non-irrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).

## **G. Reclamation Specifications - Not Applicable**

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

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations

that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The tastes and odors objective states that surface water and groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

## A. Surface Water

1. CWA section 303(a-c), requires states to adopt water quality standards, including criteria where they are necessary to protect beneficial uses. The Regional Water Board adopted water quality criteria as water quality objectives in the Basin Plan. The Basin Plan states that “[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect the beneficial uses.” The Basin Plan includes numeric and narrative water quality objectives for various beneficial uses and water bodies. This Order contains Receiving Surface Water Limitations based on the Basin Plan numerical and narrative water quality objectives for biostimulatory substances, chemical constituents, color, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, salinity, sediment, settleable material, suspended material, tastes and odors, temperature, toxicity, turbidity, and electrical conductivity.

Numeric Basin Plan objectives for bacteria, dissolved oxygen, pH, temperature, and turbidity are applicable to this discharge and have been incorporated as Receiving Surface Water Limitations. Rational for these numeric receiving surface water limitations are as follows:

- a. **Bacteria.** The Basin Plan includes a water quality objective that “[i]n water designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml.” Numeric Receiving Water Limitations for bacteria are included in this Order and are based on the Basin Plan objective.
- b. **Biostimulatory Substances.** The Basin Plan includes a water quality objective that “[W]ater shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.” Receiving Water Limitations for biostimulatory substances are included in this Order and are based on the Basin Plan objective.
- c. **Color.** The Basin Plan includes a water quality objective that “[W]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses.”

Receiving Water Limitations for color are included in this Order and are based on the Basin Plan objective.

- d. **Chemical Constituents.** The Basin Plan includes a water quality objective that “[W]aters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.” Receiving Water Limitations for chemical constituents are included in this Order and are based on the Basin Plan objective.
- e. **Dissolved Oxygen.** The South Fork Battle Creek has been designated as having the beneficial use of cold freshwater aquatic habitat (COLD). For water bodies designated as having COLD as a beneficial use, the Basin Plan includes a water quality objective of maintaining a minimum of 7.0 mg/L of dissolved oxygen. Since the beneficial use of COLD does apply to the South Fork Battle Creek, a receiving water limitation of 7.0 mg/L for dissolved oxygen was included in this Order.

For surface water bodies outside of the Delta, the Basin Plan includes the water quality objective that “...the monthly median of the mean daily dissolved oxygen (DO) concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation.” This objective was included as a receiving water limitation in this Order.

- f. **Floating Material.** The Basin Plan includes a water quality objective that “[W]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.” Receiving Water Limitations for floating material are included in this Order and are based on the Basin Plan objective.
- g. **Oil and Grease.** The Basin Plan includes a water quality objective that “[W]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.” Receiving Water Limitations for oil and grease are included in this Order and are based on the Basin Plan objective.
- h. **pH.** The Basin Plan includes water quality objective that “[T]he pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.” This Order includes receiving water limitations for both pH range and pH change.

The Basin Plan allows an appropriate averaging period for pH change in the receiving stream. Since there is no technical information available that indicates that aquatic organisms are adversely affected by shifts in pH within the 6.5 to 8.5 range, an averaging period is considered appropriate and a monthly averaging period for determining compliance with the 0.5 receiving water pH limitation is included in this Order.

- i. **Pesticides.** The Basin Plan includes a water quality objective for pesticides beginning on page III-6.00. Receiving Water Limitations for pesticides are included in this Order and are based on the Basin Plan objective.
- j. **Radioactivity.** The Basin Plan includes a water quality objective that *“[R]adionuclides shall not be present in concentrations that are harmful to human, plant, animal or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.”* The Basin Plan states further that *“[A]t a minimum, waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations...”* Receiving Water Limitations for radioactivity are included in this Order and are based on the Basin Plan objective.
- k. **Sediment.** The Basin Plan includes a water quality objective that *“[T]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses”* Receiving Water Limitations for suspended sediments are included in this Order and are based on the Basin Plan objective.
- l. **Settleable Material.** The Basin Plan includes a water quality objective that *“[W]aters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.”* Narrative Receiving Water Limitations for settleable material are included in this Order and are based on the Basin Plan objective.
- m. **Suspended Material.** The Basin Plan includes a water quality objective that *“[W]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”* Receiving Water Limitations for suspended material are included in this Order and are based on the Basin Plan objective.
- n. **Taste and Odors.** The Basin Plan includes a water quality objective that *“[W]ater shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.”* Receiving Water Limitations for taste- or odor-producing substances are included in this Order and are based on the Basin Plan objective.
- o. **Temperature.** The South Fork Battle Creek has the beneficial uses of both COLD and WARM. The Basin Plan includes the objective that *“[a]t no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature.”* This Order includes a receiving water limitation based on this objective.

- p. **Toxicity.** The Basin Plan includes a water quality objective that “[A]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” Receiving Water Limitations for toxicity are included in this Order and are based on the Basin Plan objective.
- q. **Turbidity.** The Basin Plan includes a water quality objective that “[I]ncreases in turbidity attributable to controllable water quality factors shall not exceed the following limits:
- *Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.*
  - *Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.*
  - *Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.*
  - *Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.”*

A numeric Receiving Surface Water Limitation for turbidity is included in this Order and is based on the Basin Plan objective for turbidity.

## **B. Groundwater**

1. The beneficial uses of the underlying ground water are municipal and domestic supply, industrial service supply, industrial process supply, and agricultural supply.
2. Basin Plan water quality objectives include narrative objectives for chemical constituents, tastes and odors, and toxicity of groundwater. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective states groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use. The tastes and odors objective prohibits taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan also establishes numerical water quality objectives for chemical constituents and radioactivity in groundwaters designated as municipal supply. These include, at a minimum, compliance with MCLs in Title 22 of the CCR. The bacteria objective prohibits coliform organisms at or above 2.2 MPN/100 mL. The Basin Plan requires the application of the most stringent objective necessary to ensure that waters do not contain chemical constituents, toxic substances, radionuclides, taste- or odor-producing substances, or bacteria in concentrations that adversely affect municipal or domestic supply, agricultural supply, industrial supply or some other beneficial use.



3. Groundwater limitations are required to protect the beneficial uses of the underlying groundwater.

## VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

### A. Influent Monitoring

1. Influent monitoring is required to collect data on the characteristics of the wastewater and to assess compliance with effluent limitations (e.g., BOD and TSS reduction requirements).

### B. Effluent Monitoring

1. Pursuant to the requirements of 40 CFR §122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream and groundwater.<sup>2</sup> Effluent monitoring shall be conducted when a discharge to South Fork Battle Creek occurs, and/or according the Monitoring and Reporting Program. If there is no discharge during the year, than the effluent priority pollutant monitoring sample shall be taken from the discharge pipe (into Pond #2) after the effluent has gone through the filters and chlorination/dechlorination.
2. This Order requires additional CTR effluent sampling and reporting during the first two years after permit adoption date. A total of four samples (effluent and receiving water) during the first 2 years after adoption will be collected and analyzed to determine if there is the reasonable potential of the effluent to cause an in-stream excursions above applicable water quality standards. All samples will be collected from the filtered and disinfected effluent, during the period of discharge (November 15 – April 15).

### C. Whole Effluent Toxicity Testing Requirements

1. **Acute Toxicity.** Semi-annual 96-hour bioassay testing is required to demonstrate compliance with the effluent limitation for acute toxicity.
2. **Chronic Toxicity.** Chronic whole effluent toxicity testing is required once during the life of the permit, in order to demonstrate compliance with the Basin Plan's narrative toxicity objective.

## **D. Receiving Water Monitoring**

### **1. Surface Water**

- a. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

### **2. Groundwater**

- a. This order does not require the Discharger to conduct groundwater monitoring. There is no current evidence to indicate that the operation of the wastewater treatment plant pose a threat to groundwater quality. If any information becomes available indicating adverse groundwater impacts, a groundwater investigation and subsequent monitoring may be required.
- b. This order requires the Discharger to conduct an investigation to determine the existing condition of the underlying soils beneath the percolation/evaporation ponds. The investigation will include a technical report documenting the existing in-place permeability and percolation rate of the subsurface beneath the unlined ponds.

## **E. Other Monitoring Requirements**

### **1. Biosolids Monitoring**

Biosolids monitoring is required to ensure compliance with the biosolids disposal requirements (Special Provisions VI.C.6.a.). Biosolids disposal requirements are imposed pursuant to 40 CFR Part 503 to protect public health and prevent groundwater degradation.

### **2. Evaporation/Percolation Pond Monitoring**

Pond/lagoon monitoring shall be conducted when water is present in the pond(s)/lagoon(s). All pond/lagoon samples shall be grab samples. The Discharger shall monitor all Pond(s), at a minimum as follows:

**Table F-7. Summary of Pond Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Freeboard	Feet <sup>1</sup>	Grab	Monthly	
Liquid Depth	Feet <sup>1</sup>	Grab	Monthly	
Dissolved Oxygen	mg/L	Gram	Weekly	
General conditions of dikes around ponds	mg/L	Observation	Weekly	
<sup>1</sup> Freeboard shall be monitored to the nearest tenth of a foot.				

**VII. RATIONALE FOR PROVISIONS**

**A. Standard Provisions**

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

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

**B. Special Provisions**

**1. Reopener Provisions**

Upon adoption of any applicable water quality standard for receiving waters by the Regional Water Board or the State Water Board pursuant to the CWA and regulations adopted thereunder, this permit may be reopened and receiving water limitations added. Additionally, based on the results of the CTR and non-CTR sampling, this Order may be reopened so that effluent limits can be placed on constituents that have a reasonable potential to cause or contribute to an in-stream excursion above a narrative or numerical water quality standard.

- a. **Whole Effluent Toxicity.** This Order requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity through a Toxicity Reduction Evaluation (TRE). This Order may be reopened to

include a numeric chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE. Additionally, if a numeric chronic toxicity water quality objective is adopted by the State Water Board, this Order may be reopened to include a numeric chronic toxicity limitation based on that objective.

- b. **Water Effects Ratio (WER) and Metal Translators.** A default WER of 1.0 has been used in this Order for calculating CTR criteria for applicable priority pollutant inorganic constituents. In addition, default dissolved-to-total metal translators have been used to convert water quality objectives from dissolved to total recoverable when developing effluent limitations. If the Discharger performs studies to determine site-specific WERs and/or site-specific dissolved-to-total metal translators, this Order may be reopened to modify the effluent limitations for the applicable inorganic constituents.
- c. **Mixing Zone – Dilution Study.** The Discharger has the option of conducting a Mixing Zone/Dilution Study, which can be used by the Regional Board in calculating effluent limitations, based on priority pollutant sample results. Regarding mixing zones, the SIP states, “*A mixing zone shall be as small as practicable. The following conditions must be met in allowing a mixing zone:*
- A: *A mixing zone shall not:*
1. *compromise the integrity of the entire water body;*
  2. *cause acutely toxic conditions to aquatic life passing through the mixing zone;*
  3. *restrict the passage of aquatic life;*
  4. *adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;*
  5. *produce undesirable or nuisance aquatic life;*
  6. *result in floating debris, oil, or scum;*
  7. *produce objectionable color, odor, taste, or turbidity;*
  8. *cause objectionable bottom deposits;*
  9. *cause nuisance;*
  10. *dominate the receiving water body or overlap a mixing zone from different outfalls; or*
  11. *be allowed at or near any drinking water intake. A mixing zone is not a source of drinking water. To the extent of any conflict between this determination and the Sources of Drinking Water Policy (Resolution No. 88-63), this SIP supersedes the provisions of that policy.”*
- d. **Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity from the

Facility. The plan shall be completed and submitted to the Regional Water Board **within 2 years of the effective date of this Order** for the approval by the Executive Officer.

## 2. Special Studies and Additional Monitoring Requirements

- a. **Chronic Whole Effluent Toxicity Requirements.** The Basin Plan contains a narrative toxicity objective that states, “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” (Basin Plan at III-8.00.) Adequate WET data is not available to determine if the discharge has reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan’s narrative toxicity objective. Attachment E of this Order requires chronic WET monitoring for demonstration of compliance with the narrative toxicity. Chronic toxicity monitoring shall be conducted only if a discharge to the South Fork Battle Creek occurs, or only once during the life of the permit.

In addition to WET monitoring, this provision requires the Discharger to submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if a pattern of toxicity is demonstrated.

**Monitoring Trigger.** A numeric toxicity monitoring trigger of  $> 10$  TUc (where  $TUc = 100/NOEC$ ) is applied in the provision, because this Order does not allow any dilution for the chronic condition. Therefore, a TRE is triggered when the effluent exhibits a pattern of toxicity at 100% effluent.

**Accelerated Monitoring.** The provision requires accelerated WET testing when a regular WET test result exceeds the monitoring trigger. The purpose of accelerated monitoring is to determine, in an expedient manner, whether there is a pattern of toxicity before requiring the implementation of a TRE. Due to possible seasonality of the toxicity, the accelerated monitoring should be performed in a timely manner, preferably taking no more than 2 to 3 months to complete.

The provision requires accelerated monitoring consisting of four chronic toxicity tests every two weeks using the species that exhibited toxicity. Guidance regarding accelerated monitoring and TRE initiation is provided in the *Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991* (TSD). The TSD at page 118 states, “EPA recommends if toxicity is repeatedly or periodically present at levels above effluent limits more than 20 percent of the time, a TRE should be required.” Therefore, four accelerated monitoring tests are required in this provision. If no toxicity is demonstrated in

the four accelerated tests, then it demonstrates that toxicity is not present at levels above the monitoring trigger more than 20 percent of the time (only 1 of 5 tests are toxic, including the initial test). However, notwithstanding the accelerated monitoring results, if there is adequate evidence of a pattern of effluent toxicity (i.e. toxicity present exceeding the monitoring trigger more than 20 percent of the time), the Executive Officer may require that the Discharger initiate a TRE.

If the result of any accelerated toxicity test exceeds the monitoring trigger, the Discharger shall cease accelerated monitoring and initiate a TRE to investigate the cause(s) of, and identify corrective actions to reduce or eliminate effluent toxicity. Within thirty (30) days of notification by the laboratory of the test results exceeding the monitoring trigger during accelerated monitoring, the Discharger shall submit to the Central Valley Water Board a TRE Work Plan for approval by the Executive Officer. The TRE Work Plan shall outline the procedures for identifying the source(s) of, and reducing or eliminating effluent toxicity. The TRE Work Plan must be developed in accordance with EPA guidance<sup>1</sup>.

See the WET Accelerated Monitoring Flow Chart (Figure F-1), below, for further clarification of the accelerated monitoring requirements and for the decision points for determining the need for TRE initiation.

**TRE Guidance.** The Discharger is required to prepare a TRE Work Plan in accordance with USEPA guidance. Numerous guidance documents are available, as identified below:

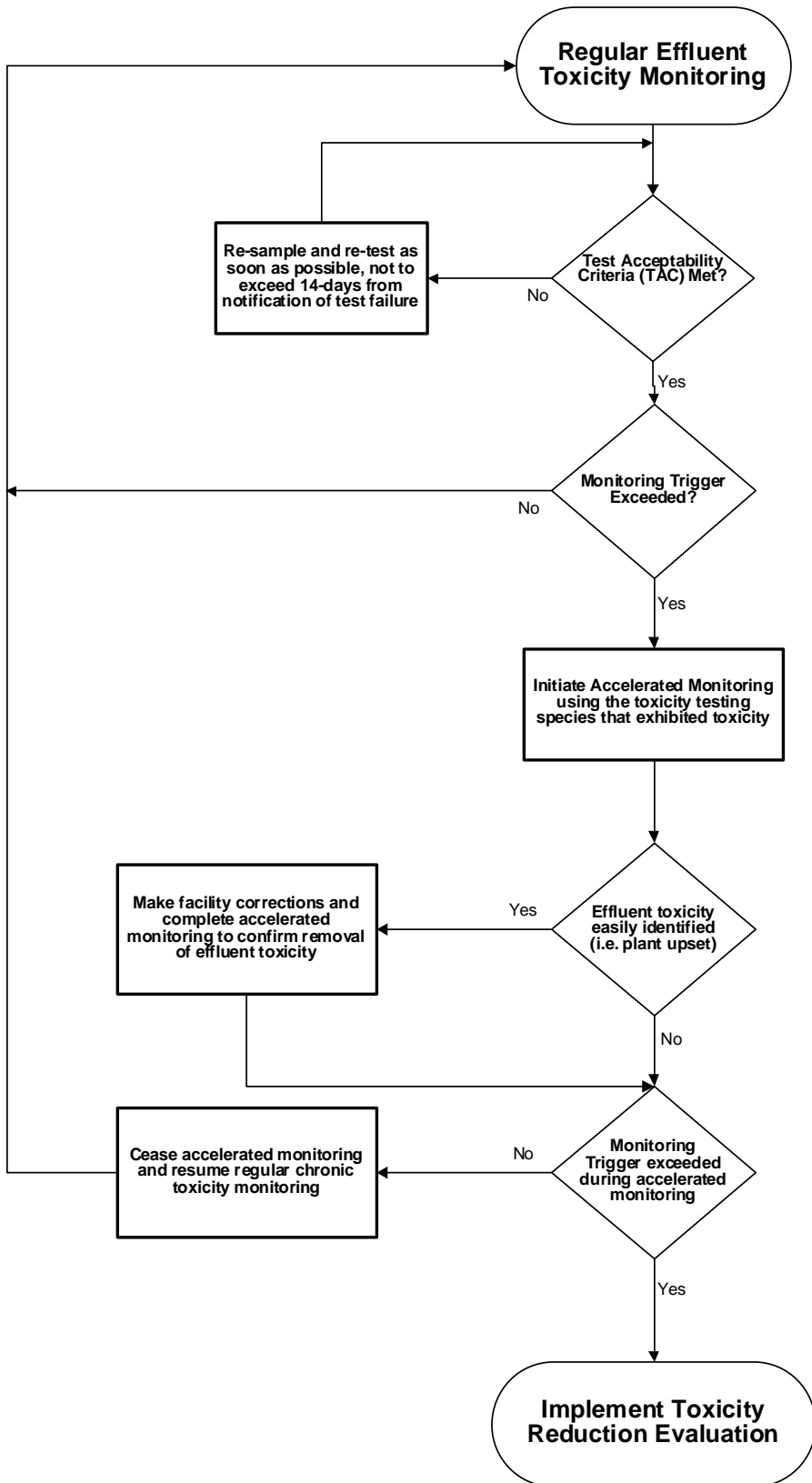
- *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*, (EPA/833B-99/002), August 1999.
- *Generalized Methodology for Conducting Industrial TREs*, (EPA/600/2-88/070), April 1989.
- *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures*, Second Edition, EPA 600/6-91/005F, February 1991.
- *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I*, EPA 600/6-91/005F, May 1992.
- *Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting acute and Chronic Toxicity*, Second Edition, EPA 600/R-92/080, September 1993.

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<sup>1</sup> See Attachment F (Fact Sheet) Section VII.B.2.a. for a list of EPA guidance documents that must be considered in development of the TRE Workplan.

- *Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity*, Second Edition, EPA 600/R-92/081, September 1993.
- *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, EPA-821-R-02-012, October 2002.
- *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA-821-R-02-013, October 2002.
- *Technical Support Document for Water Quality-based Toxics Control*, EPA/505/2-90-001, March 1991

**Figure F-1  
WET Accelerated Monitoring Flow Chart**





- b. **Percolation/Evaporation Pond Investigation.** The Discharger is required to conduct an investigation to determine the existing condition of the underlying soils beneath the percolation/evaporation ponds. The investigation shall include a technical report documenting the existing in-place permeability and percolation rate of the subsurface beneath the unlined ponds. Additionally, the depth to groundwater under the ponds should be collected through analysis of the existing piezometers around the ponds, or new installation of piezometers (if existing piezometers are not adequately constructed). There must be a minimum of three piezometers (one up-gradient, two down-gradient) installed or analyzed to determine the groundwater depth and gradient beneath the ponds. The permeability/percolation tests can be a combination of in-place (BAT™ tests), double ring infiltrometers, and laboratory permeability tests. Laboratory permeability testing shall be in accordance with American Society of Testing and Materials (ASTM) D 5084. For ASTM D 5084, undisturbed thin-wall tube samples should be collected (per ASTM D 1587) near the BAT™ test locations (if taken). Sample tubes should be labeled and transferred to the soils laboratory according to ASTM D 4220, Group C. Permeability results for the in-place samples shall be submitted in a technical report. Double ring infiltrometer testing should be in accordance with ASTM D 3385.

The groundwater investigation should utilize the existing piezometers (if feasible), and additional piezometer installations to determine the depth of groundwater beneath the two percolation/evaporation ponds.

At the conclusion of the field investigation, a technical report shall be submitted to the Regional Board to evaluate the permeability results under the ponds, and discuss the WWTP impact on groundwater quality. Where there is a possibility of the wastewater impacting the groundwater, the technical report shall provide recommendations for necessary modifications (e.g., construct liners, WWTP component upgrade and retrofit) to achieve BPTC. Based on the results of the permeability study, this Order may be reopened and groundwater limitations added. The Discharger shall submit a work plan and time schedule for preparation of the pond investigation which shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The pond investigation shall be completed and submitted to the Regional Water Board **within two (2) years following the effective date of this Order.**

**Table F-8. Percolation / Evaporation Pond Investigation**

Task	Compliance Date
1 -Submit technical report: work plan and schedule for comprehensive investigation	Within 6 months of the effective date of Order
2 -Commence comprehensive investigation	Within 3 months of Regional Board approval of Technical Report
3 -Complete comprehensive investigation	As established by Task 1
4 -Submit technical report: comprehensive investigation results	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order).

- c. BPTC Evaluation.** This Order requires the Discharger to propose a work plan and schedule for providing BPTC as required by Resolution 68-16. The technical report describing the work plan and schedule shall contain a preliminary evaluation of each component and propose a time schedule for completing the comprehensive technical evaluation.

Following completion of the comprehensive technical evaluation, the Discharger shall submit a technical report describing the evaluation’s results and critiquing each evaluated component with respect to BPTC and minimizing the discharge’s impact on groundwater quality. Where deficiencies are documented, the technical report shall provide recommendations for necessary modifications (e.g., new or revised salinity source control measures, WWTP component upgrade and retrofit) to achieve BPTC and identify the source of funding and proposed schedule for modifications. The schedule shall be as short as practicable but in no case shall completion of the necessary modifications exceed four years past the Executive Officer’s determination of the adequacy of the comprehensive technical evaluation, unless the schedule is reviewed and specifically approved by the Regional Water Board. The technical report shall include specific methods the Discharger proposes as a means to measure processes and assure continuous optimal performance of BPTC measures. The Discharger shall submit a work plan and time schedule for preparation of the pond investigation which shall be completed and submitted to the Regional Water Board **within 6 months of the effective date of this Order** for approval by the Executive Officer. The pond investigation shall be completed and submitted to the Regional Water Board **within two (2) years following the effective date of this Order.**

**Table F-9. BPTC Evaluation**

Task	Compliance Date
1 -Submit technical report: work plan and schedule for comprehensive evaluation	Within 6 months of the effective date of Order
2 -Commence comprehensive evaluation	Within 3 months of Regional Board approval of Technical Report
3 -Complete comprehensive evaluation	As established by Task 1
4 -Submit technical report: comprehensive evaluation results	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order).
5 -Submit annual report describing the overall status of BPTC implementation and compliance with groundwater limitations over the past reporting year	To be submitted in accordance with the MRP

**3. Best Management Practices and Pollution Prevention**

- a. **Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity from the Facility. The plan shall be completed and submitted to the Regional Water Board **within 2 years of the effective date of this Order** for the approval by the Executive Officer.

**Table F-10. Salinity Evaluation and Minimization Plan**

Task	Compliance Date
1 - Submit Work plan and Time Schedule	Within 6 months of the effective date of the Order
2 - Begin Study	Within 3 months of Regional Board approval of Workplan and Time Schedule
3 - Complete Study	As established by Task 1
4 - Submit Summary Report	60 days following completion of Task 3 (no greater than 2 years after the effective date of this Order)

#### **4. Construction, Operation, and Maintenance Specifications**

- I. Ponds shall be managed to prevent breeding of mosquitoes. In particular,
  - A. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface;
  - B. Weeds shall be minimized; and
  - C. Dead algae, vegetation, and debris shall not accumulate on the water surface.
- II. Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
- III. Ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow and infiltration during the nonirrigation season. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns. Freeboard shall never be less than two feet (measured vertically to the lowest point of overflow).
- IV. Prior to the onset of the rainy season of each year, available pond storage capacity shall at least equal the volume necessary to comply with Discharge Specification IV.B.7.
- V. The treatment and disposal facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

#### **5. Special Provisions for Municipal Facilities (POTWs Only)**

- a. **Pretreatment Requirements – Not Applicable**
- b. **Sanitary Sewer Overflow Requirements.**

On May 2, 2006, the State Water Board adopted State Water Board Order 2006-0003, a Statewide General WDR for Sanitary Sewer Systems. The Discharger shall be subject to the requirements of Order 2006-0003 and any future revisions thereto. Order 2006-0003 requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the General WDR.

## 6. Other Special Provisions

- a. This Order requires the Discharger to use the best practicable treatment or control technique currently available to limit mineralization to no more than a reasonable increment.
- b. The Discharger shall conduct CTR/SIP monitoring in accordance with the attached monitoring program and submit those data by the dates listed in the monitoring program. If, after review of the study results, it is determined that the discharge has reasonable potential to cause or contribute to an exceedance of a water quality objective, this Order will be reopened and an effluent limitation added for the subject constituent(s) that have this reasonable potential.
- c. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, Sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
- d. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition or limitation contained in this Order, this Order requires the Discharger to notify the Regional Water Board by telephone (530) 224-4845 (or to the Regional Water Board staff assigned to the facility) within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall include the information required by Federal Standard Provision [40 CFR §122.41(l)(6)(i)].
- e. Prior to making any change in the discharge point, place of use, or purpose of use of the wastewater, the Discharger must obtain approval of, or clearance from the State Water Resources Control Board (Division of Water Rights).
- f. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons

responsible for contact with the Regional Water Board and a statement. The statement shall comply with the signatory paragraph of Federal Standard Provision V.B.5 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

## **7. Compliance Schedules**

The use and location of compliance schedules in the permit depends on the Discharger's ability to comply and the source of the applied water quality criteria.

- a. The SIP, at Section 2.1, states that “[b]ased on an existing discharger’s request and demonstration that it is infeasible for the discharger to achieve immediate compliance with a CTR criterion, or with an effluent limitation based on a CTR criterion, the RWQCB may establish a compliance schedule in an NPDES permit.”
- b. The SIP further states that “[t]he discharger shall submit to the RWQCB the following justification before compliance schedules may be authorized in a permit: (a) documentation that diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream, and the results of those efforts; (b) documentation of source control and/or pollution minimization efforts currently underway or completed; (c) a proposed schedule for additional or future source control measures, pollutant minimization actions, or waste treatment (i.e., facility upgrades); and (d) a demonstration that the proposed schedule is as short as practicable.”

## **VIII. PUBLIC PARTICIPATION**

The California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Mineral Wastewater Treatment Plant. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

### **A. Notification of Interested Parties**

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the mailings and physical and internet postings.

## **B. Written Comments**

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on July 20, 2007.

## **C. Public Hearing**

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: August 2 and 3, 2007  
Time: 8:30 am  
Location: Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Dr., Suite #200  
Rancho Cordova, CA 95670

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is <http://www.waterboards.ca.gov/rwqcb5/> where you can access the current agenda for changes in dates and locations.

## **D. Waste Discharge Requirements Petitions**

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

## **E. Information and Copying**

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at 415 Knollcrest Drive, Suite 100, Redding, CA 96002 any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (530) 224-4845.

## **F. Register of Interested Persons**

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

## **G. Additional Information**

Requests for additional information or questions regarding this order should be directed to Greg Cash at (530) 224-3208.