

California Regional Water Quality Control Board

Colorado River Basin Region

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DRAFT ORDER NO. R7-2006-0033
NPDES NO. CA7000012

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND WASTE DISCHARGE REQUIREMENTS FOR THE UNITED STATES NAVY,
OWNER/OPERATOR OF THE VACUUM ENHANCED PUMPING (VEP) GROUNDWATER
TREATMENT SYSTEM, NAVAL AIR FACILITY EL CENTRO**

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

Table 1: Discharger Information

Discharger	United States Navy
Name of Facility	VEP Groundwater Treatment System Naval Air Facility, El Centro
Facility Address	1605 Third Street
	El Centro, CA 92243-5001
	Imperial County

The discharge by the United States Navy from the discharge points below is subject to waste discharge requirements as set forth in this Order:

Table 2: Outfall Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated Groundwater	31 °, 49', 48" N	115 °, 41', 24" W	Unnamed Drainage Ditch

Table 3: Administrative Information

This Order was adopted by the Regional Water Board on:	September 20, 2006
This Order shall become effective on:	September 20, 2006
This Order shall expire on:	September 19, 2011
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 00-093 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the Discharger shall comply with the requirements in this Order.

I, Robert Perdue, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 20, 2006.

Robert Perdue, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 REGION 7, COLORADO RIVER BASIN REGION**

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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

Discharger	United States Navy
Name of Facility	Naval Air Facility El Centro, VEP Treated Groundwater System
Facility Address	1605 Third Street
	El Centro, CA 92243
	Imperial County
Facility Contact, Title, and Phone	Ms. Kimberly Counts-Lineses, Environmental Program Manager, (760) 339-2532
Mailing Address	SAME
Type of Facility	Military Installation
Facility Design Flow	0.05 million gallons per day

II. FINDINGS

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds:

- A. **Background.** The United States Navy (hereinafter Discharger) is currently discharging treated wastewater from a vacuum-enhanced pumping (VEP) groundwater remediation system under Order No. 00-093 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA7000012. The Discharger submitted a Report of Waste Discharge, dated September 1, 2005, and applied for a NPDES permit renewal to discharge up to 0.05 MGD of treated wastewater from the above referenced VEP system, Naval Air Facility, El Centro, (hereinafter Treatment Facility). The application was deemed complete on September 6, 2005.
- B. **Facility Description.** The Discharger owns and operates the military installation. The treatment system consists of a vacuum enhanced pumping system (VEP), which consists of 131 groundwater and soil vapor extraction wells manifolded to a 1,200-standard cubic feet per minute (scfm), positive-displacement blower and thermal/catalytic oxidizer. Water entering the system is treated by two 1,000 pound granular activated carbon (GAC) cells. Wastewater is discharged from the outlet of the VEP system to a dry, unnamed drainage ditch, a water of the United States and a tributary of the New River. Attachment B provides a site map of the area around the facility. Attachment C is a flow schematic. Attachment B and C are hereby incorporated into this Order.
- C. **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 (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order shall also serve as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 Division 7 of the CWC.
- D. **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 through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR Section 122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Best Professional Judgment (BPJ) in accordance with 40 CFR Section 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. Water Quality-based Effluent Limitations. Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) 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, 40 CFR Section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA Section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

The site discharges into a tributary of the New River. The 2002 USEPA 303(d) List classifies the New River as impaired by 1,2,4-Trimethylbenzene, chloroform, m,p-Xylenes, nutrients, low dissolved oxygen, o-Xylenes, p-Dichlorobenzene, pathogens, pesticides, sedimentation (silt), toluene, and trash. To date only TMDL's for pathogens and sedimentation have been established. Furthermore, point source facilities, such as the discharge from the VEP system, are expected to provide adequate disinfection and filtering to meet the waste load allocation (WLA) as specified in all current and future Regional Water Board adopted TMDL's for the New River.

H. Water Quality Control Plans. The Regional Water Board adopted a Water Quality Control Plan for the Colorado River Basin (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 Basin Plan.

The Basin Plan does not specifically identify beneficial uses for the dry, unnamed drainage ditch designated as the discharge point, but does identify present and potential uses for the New River, to which the unnamed drainage ditch is tributary. These beneficial uses are: Fresh Water Replenishment of the Salton Sea (FRSH), Water Contact Recreation (REC I), Non-Contact Water Recreation (REC II), Warm Water Habitat (WARM), Wildlife Habitat (WILD), Industrial Service Supply (IND), and Preservation of Rare, Endangered, or Threatened Species (RARE).

Table 5: Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Unnamed drainage ditch; tributary to New River	Beneficial Uses; <u>Existing:</u> Warm freshwater habitat (WARM); wildlife habitat (WILD), preservation of rare, threatened or endangered species (RARE). <u>Intermittent:</u> Freshwater replenishment (FRESH), contact (REC-1)¹ and non-contact (REC-2)² water recreation. <u>Potential:</u> Industrial Service Supply (IND).

¹ Although some fishing occurs in the downstream reaches, the presently contaminated water in the river makes it unfit for any recreational use. An advisory has been issued by the Imperial County Health Department warning against the consumption of any fish caught from the river and the river has been posted with advisories advising against any bodily contact with the water.

² Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Water Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Water Board.

Thus, as discussed in detail in the Fact Sheet (Attachment F), beneficial uses applicable to the New River are shown in Table 5, above.

The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Intrastate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended 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, which incorporated the NTR criteria that were applicable in California. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.
- J. **State Implementation Policy.** On March 2, 2000, 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 the priority pollutant objectives established by the Regional Water Boards in their basin plans. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the California Toxics Rule. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005.
- K. **Alaska Rule.** On March 30, 2000, U.S. EPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for Clean Water Act (CWA) purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under U.S. EPA's new regulation (also known as the Alaska rule), new and revised standards submitted to U.S. EPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to U.S. EPA by May 30, 2000, may be used for CWA purposes, whether or not approved by EPA.
- L. **Compliance Schedules and Interim Requirements.** 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 exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Colorado River 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 does not include compliance schedules and interim effluent limitations and/or discharge specifications.

- M. Stringency of Requirements for Individual Pollutants.** This Order contains restrictions on individual pollutants that are no more stringent than required by the Federal CWA. Individual pollutant restrictions consist of technology-based restrictions and water quality based-effluent limitations. There are no technology based effluent limitations in the Order. Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both 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 the 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 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 standard for the purposes of the CWA” 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 the purposes of the CWA.
- N. Antidegradation Policy.** Section 131.12 of 40 CFR requires that 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 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR Section 131.12 and State Water Board Resolution 68-16.
- O. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 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.
- P. Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards 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.
- Q. Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR Section 122.41, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. 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 (Attachment F).

- R. **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 (Attachment F) of this Order.
- S. **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 (Attachment F) 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 bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.A.7 of Attachment D, Federal Standard Provisions.
- C. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Water Board will revise and modify this Board Order in accordance with such more stringent standards
- D. The Discharger shall not accept waste in excess of the design treatment capacity of the VEP system.
- E. The treatment or disposal of wastes from the Treatment Facility shall not cause pollution or nuisance as defined in Section 13050(I) and 13050(m) of Division 7 of the California Water Code.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point Outfall at the unnamed tributary of the New River

1. Final Effluent Limitations – Discharge Point Outfall at the unnamed tributary of the New River

- a. The discharger shall maintain compliance with the following effluent limitations for discharge of treated wastewater from the VEP system at Discharge Point Outfall into the unnamed tributary of the New River with compliance measured at Monitoring Location outlet of the VEP system, as described in the attached Monitoring and Reporting Program (Attachment E):

Table 6: Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	Million Gallon Per Day (MGD)			0.05		
Total Petroleum Hydrocarbons-Gasoline	mg/L					1.0
Benzene	µg/L					1.0
1,2-Dichloroethane	µg/L					0.5
pH	standard units				6.0	9.0

2. **Interim Effluent Limitations:** There are no influent limitations at this facility.

B. Land Discharge Specifications: NOT APPLICABLE

- C. **Reclamation Specifications:** Any treated groundwater as effluent diverted from the discharge point tributary of the New River, and used to re-hydrate the well field where the VEP system is located and is treating, shall meet the same effluent limitations as those presented in Table 6, above.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitation

1. Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following in the New River or any of its tributaries:
 - a. Depress the concentration of dissolved oxygen to fall below 5.0 mg/L. When dissolved oxygen in the receiving water is already below 5.0 mg/L, the discharge shall not cause any further depression.

- b. The presence of oil, grease, floating material (liquids, solids, foam and scum) or suspended material in amounts that create a nuisance or adversely affect beneficial uses.
 - c. Result in the deposition of pesticides or combination of pesticides detectable in concentrations that adversely affect beneficial uses.
 - d. Aesthetically undesirable discoloration in the receiving water.
 - e. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
 - f. Increase turbidity that results in adversely affecting beneficial uses.
 - g. The normal ambient pH to fall below 6.0 or exceed 9.0 units.
 - h. The natural receiving water temperature of surface waters shall not be altered by discharges of wastewater unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.
 - i. Result in the deposition of material that causes nuisance or adversely affects beneficial uses.
 - j. No individual chemical or combination of chemicals shall be present in concentrations that adversely affect beneficial uses.
 - k. Toxic pollutants to be present in the water column, sediments or biota in concentrations that adversely affect beneficial uses or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
 - l. Taste or odor-producing substances that adversely affect beneficial uses.
2. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.

B. Groundwater Limitations

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

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions:
 - a. The Naval Air Facility shall be protected from any washout or erosion of wastes or covering material, and from any inundation, which could occur as a result of floods having a predicted frequency of once in 100 years.
 - b. The Discharger shall comply with all conditions of this Board Order. Noncompliance constitutes a violation of the Federal Clean Water Act and Porter-Cologne Water Quality Control Act, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification of waste discharge requirements; or denial of a Permit renewal application.
 - c. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
 - d. The Discharger shall immediately report orally information of any noncompliance that may endanger human health or the environment as soon as: (1) the Discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to the Regional Water Board office and the Office of Emergency Services. During non-business hours, the Discharger shall leave a message on the Regional Water Board office voice recorder. A written report shall also be provided within five (5) business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance. The Discharger shall report all intentional or unintentional spills in excess of one thousand (1,000) gallons occurring within the facility or collection system to the Regional Board office in accordance with the above time limits.
 - e. Prior to any change in ownership or management of this operation, the Discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Water Board.

- f. Prior to any modifications in this facility, which would result in material change in the quality or, quantity of wastewater treated or discharged, or any material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board and obtain revised requirements before any modifications are implemented.
- g. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
- h. This Board Order does not authorize violation of any federal, state, or local laws or regulations.

B. Monitoring and Reporting Program Requirements

The discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto as specified by the Regional Water Board's Executive Office, found in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions

- a. This Board Order may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.
- b. TMDLs are to be developed by the Regional Water Board for several constituents that currently impair the New River. The permit may be reopened and modified in the future to include appropriate requirements necessary to fully implement the approved TMDLs if needed.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

No Special Studies, Technical Reports, or Additional Monitoring Requirements are Required as of the drafting of this Board Order.

3. Best Management Practices and Pollution Prevention

- a. **Best Management Practices Plan.** Best Management Practices are used for this project as much of the treated water is recycled using a sprinkler system. The system is set up as an automatic sprinkler system which uses the treated water stored in a tank on site to water and re-hydrate the well field where the VEP system is located. The sprinkler

system does not operate on weekends and all water is discharged to the dry storm water drainage ditch during these days.

b. Storm Water

- 1) In the event that there are storm water discharges associated with industrial activities, the Discharger shall submit a Notice of Intent and/or maintain coverage under the General Storm Water Permit.
 - (a) All storm water discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of storm water to storm water drain systems or other courses under their jurisdiction.
 - (b) Storm water discharges from the facility shall not cause or threaten to cause pollution or contamination.
 - (c) Storm water discharges from the facility shall not contain hazardous substances equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

4. Compliance Schedules NOT APPLICABLE

5. Construction, Operation and Maintenance Specifications

- a. The Discharger shall, at all times, properly operate and maintain all systems and components of collection, treatment and control which are installed or used by the Discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance includes effective performance, adequate process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this Board Order. All systems both in service and reserved, shall be inspected and maintained on a regular basis. Records shall be kept of the inspection results and maintenance performed and made available to the Regional Water Board upon demand.
- b. The discharger shall ensure that all site operating personnel are familiar with the content Of this Board Order, and shall maintain a copy of this Board Order at the site.
- c. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facilities.

6. Special Provisions for Municipal Facilities (POTWs Only): NOT APPLICABLE

7. Other Special Provisions

- a. The Discharger may be required to submit technical reports as directed by the Regional Water Board's Executive Officer.

VII. COMPLIANCE DETERMINATION

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

A. Average Monthly Effluent Limitation (AMEL).

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

B. Average Weekly Effluent Limitation (AWEL).

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

C. Maximum Daily Effluent Limitation (MDEL).

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

D. Instantaneous Minimum Effluent Limitation.

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

E. Instantaneous Maximum Effluent Limitation.

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

F. Six-month Median Effluent Limitation.

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that 180-day period for that parameter. The next assessment of compliance will occur after the next sample is taken. If only a single sample is taken during a given 180-day period and the analytical result for that sample exceeds the six-month median, the discharger will be considered out of compliance for the 180-day period. For any 180-period during which no sample is taken, no compliance determination can be made for the six-month median limitation.

G. Water Quality-Based Effluent Limitations.

1. In accordance with Section 2.4.5 of the SIP, compliance with water quality-based effluent limitations shall be determined as follows:
 - a. Dischargers shall be deemed out of compliance with an effluent limitation if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML).
 - b. When determining compliance with an average monthly effluent limitation and more than one sample result is available in a month, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of DNQ or ND. In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
 - 1) The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, and followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
 - 2) 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.

If a sample result, or the arithmetic mean or median of multiple sample results, is below the reported ML, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the Discharger conducts a PMP, the Discharger shall not be deemed out of compliance.

H. Mass and Concentration Limitation.

Compliance with mass and concentration effluent limitations for the same parameter shall be determined separately with their respective limitations. When the concentration of a constituent in an effluent sample is determined to be “ND” or “DNQ”, the corresponding mass emission rate (MER) determined from that sample concentration shall also be reported as “ND” or “DNQ”

I. Percent Removal.

Compliance with the secondary treatment standard for monthly average percent removal of biochemical oxygen demand, carbonaceous biochemical oxygen demand, and total suspended solids pursuant to 40 CFR Part 133 shall be determined separately for each wastewater treatment facility discharging through an outfall. For each wastewater treatment facility, the monthly average percent removal is the average of the calculated daily discharge percent removals only for days on which the constituent concentrations is monitored in both the influent and effluent of the wastewater treatment facility at locations specified in the Monitoring and Reporting Program (Attachment E) within a calendar month.

The percent removal for each day shall be calculated according to the following equation:

$$\begin{aligned} &\text{Daily discharge percent removal} \\ &= ((\text{Influent concentration} - \text{Effluent concentration}) / \text{Influent Concentration}) \times 100\% \end{aligned}$$

J. State Water Resources Control Board Water Quality Enforcement Policy.

1. Acute and Chronic Narrative Effluent Limitations

- a. Compliance with whole effluent toxicity (WET) limitations established in the Order shall be determined in accordance with Section III.B of the State Water Resources Control Board’s Water Quality Enforcement Policy.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ): 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:

Arithmetic mean = $\mu = \sum x / n$ where: $\sum x$ is the sum of the measured ambient water concentrations, and
n 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 Management Practices (BMPs): BMPs are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and non-structural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

Coefficient of Variation (CV): 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.

Completely-Mixed Discharge: A Completely-Mixed Discharge condition means not more than a 5 percent difference, accounting for analytical variability, in the concentration of a pollutant exists across a transect of the water body at a point within two stream/river widths from the discharge point.

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.

Discharger-Specific Water Effect Ratio (WER): A WER that is applied to individual pollutant limits in an NPDES permit issued to a particular permit holder. A discharger-specific WER applies only to the applicable limits in the discharger's permit. Discharger-specific WERs are distinguished from WERs that are developed on a waterbody or watershed basis as part of a water quality standards action resulting in adoption of an SSO.

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

Estuaries: Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Incompletely-Mixed Discharge: A Incompletely-Mixed Discharge is a discharge that contributes to a condition that does not meet the meaning of a completely-mixed discharge condition.

Infeasible: Infeasible means not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Inland Surface Waters: 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): the highest allowable daily discharge of a pollutant.

Maximum Daily Flow: the maximum flow sample of all samples collected in a calendar day.

Median: 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): The 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 40 CFR 136, Appendix B, revised as of May 14, 1999.

Minimum Level (ML): The 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.

Minimum Level Usage: The ML value in Appendix 4 of the State Implementation Policy represents the lowest quantifiable concentration in a 24 sample based on the proper application of all method-based analytical procedures and the absence of any matrix interferences. Assuming that all method-specific analytical steps are followed, the ML value will also represent, after the appropriate application of method-specific factors, the lowest standard in the calibration curve for that specific analytical technique. Common analytical practices sometimes require different treatment of the sample relative to calibration standards.

Pollutant Minimization: Pollutant Minimization 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.

Pollution Prevention: 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 Water Board or Regional Water Board.

Reportable Level (RL): The RL (selected from the MLs listed in Appendix 4 in accordance with section 2.4.2 or established in accordance with section 2.4.3 of the State Implementation Policy)

Reporting Level Selection: When there is more than one ML value for a given substance, the Regional Water Board shall include as RLs, in the permit, all ML values, and their associated analytical methods, listed in Appendix 4 of the State Implementation Policy that are below the calculated effluent limitation. The discharger may select any one of those cited analytical methods for compliance determination. If no ML value is below the effluent limitation, then the Regional Water Board shall select as the RL, the lowest ML value, and its associated analytical method, listed in Appendix 4 for inclusion in the permit.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

Standard Deviation (σ) is a measure of variability that is calculated as follows:

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

where:

x is the observed value;

μ is the arithmetic mean of the observed values; and

n is the number of samples.

State Implementation Policy (SIP): The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

Toxicity Reduction Evaluation (TRE): The 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.)

Use Attainability Analysis: A Use Attainability Analysis is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological and economic factors as described in 40 CFR 131.10(g) (40 CFR 131.3, revised as of July 1, 1997).

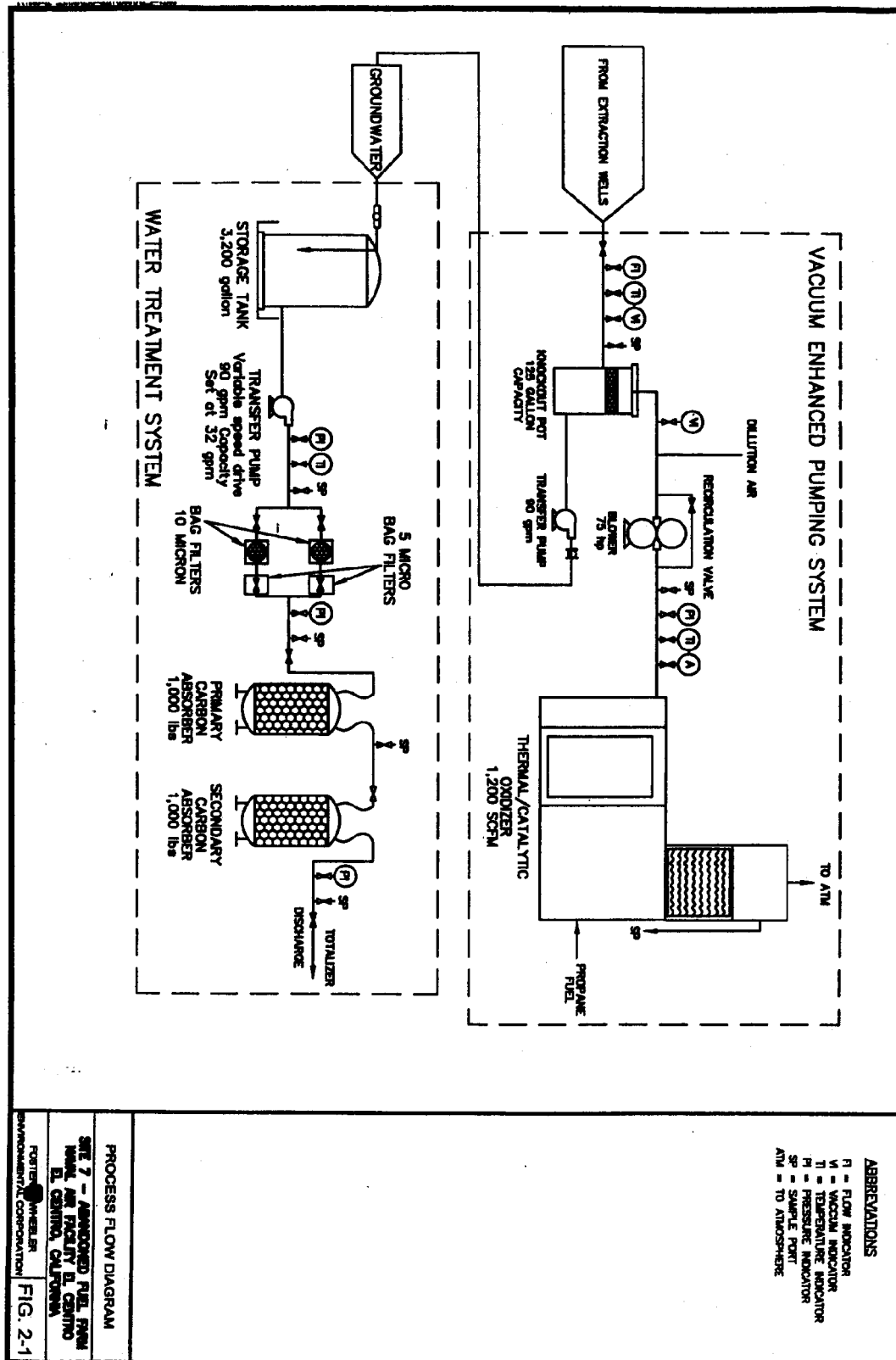
Water Effect Ratio (WER): AWER is an appropriate measure of the toxicity of a material obtained in a site water divided by the same measure of the toxicity of the same material obtained simultaneously in a laboratory dilution water.

1Q10: is the lowest flow that occurs for one day with a statistical frequency of once every 10 years.

7Q10: is the average low flow that occurs for seven consecutive days with a statistical frequency of once every 10 years.

90th PERCENTILE OF OBSERVED DATA: is the measurement in the ordered set of data (lowest to highest) where 90 percent of the reported measurements are less than or equal to that value.

ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D – FEDERAL 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 (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [40 CFR §122.41(a)].
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act 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 been modified to incorporate the requirement [40 CFR §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 CFR §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 CFR §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 CFR §122.41(e)].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [40 CFR §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 CFR §122.5(c)].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control 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 CFR §122.41(i)] [CWC 13383(c)]:

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 CFR §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 CFR §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 CFR §122.41(i)(3)];
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §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 CFR §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 CFR §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 and I.G.5 below [40 CFR §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 CFR §122.41(m)(4)(i)]:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(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 CFR §122.41(m)(4)(B)]; and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [40 CFR §122.41(m)(4)(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 CFR §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 CFR §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 [40 CFR §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 permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR §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 paragraph H.2 of this section 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 CFR §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 CFR §122.41(n)(3)]:
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];
 - b. The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(i)];
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [40 CFR §122.41(n)(3)(iii)]; and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR §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 CFR §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 CFR §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 CFR §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 CWC [40 CFR §122.41(l)(3)] [40 CFR §122.61].

III. STANDARD PROVISIONS – MONITORING

- A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].
- B.** Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136, unless otherwise specified in 40 CFR Part 503 or other test procedures have been specified in this Order [40 CFR §122.41(j)(4)] [40 CFR §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 (5) years (or longer as required by 40 CFR 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 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

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

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

- 1. The name and address of any permit applicant or Discharger [40 CFR §122.7(b)(1)]; and
- 2. Permit applications and attachments, permits and effluent data [40 CFR §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 CFR §122.41(h)] [CWC 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 paragraph (2.) and (3.) of this provision [40 CFR §122.41(k)].
2. All permit applications shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [40 CFR §122.22(a)(1)];
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)]; or
 - c. For a municipality, State, federal, or other public agency: 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 CFR §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 paragraph (b) of this provision, 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 paragraph (2.) of this provision [40 CFR §122.22(b)(1)];
 - b. The authorization specified 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 CFR §122.22(b)(2)]; and
 - c. The written authorization is submitted to the Regional Water Board, State Water Board, or USEPA [40 CFR §122.22(b)(3)].
4. If an authorization under paragraph (3.) of this provision 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 paragraph (3.) of this provision must be submitted to the Regional Water Board, State Water Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].
5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

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

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [40 CFR §122.41(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 CFR §122.41(l)(4)(i)].

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR 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 CFR §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 CFR §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 CFR §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 CFR §122.41(l)(6)(i)].
2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(A)].
 - b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(B)].
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41(l)(6)(ii)(C)].
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 CFR §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 [40 CFR §122.41.(l)(1)]. Notice is required under this provision only when:

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 40 CFR §122.29(b) [40 CFR §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 which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [40 CFR §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 CFR §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 CFR §122.41(l)(2)].

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [40 CFR §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 CFR §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 CWC, including, but not limited to, Sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [40 CFR §122.42(a)]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:
 - a. 100 micrograms per liter (µg/L) [40 CFR §122.42(a)(1)(i)];
 - b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(1)(iv)].
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(2)]:
 - a. 500 micrograms per liter (µg/L) [40 CFR §122.42(a)(2)(i)];
 - b. 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(2)(ii)];
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(2)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(2)(iv)].

B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [40 CFR §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 CFR §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 *CFR* §122.42(b)(2)].

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 *CFR* §122.42(b)(3)].

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) at 40 CFR Section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC 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 California 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. 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. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:
 - 1. "A Guide to Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 96 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
 - 2. "Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington D.C. 20402. Order by Catalog No. 172.19/2:W29/2, Stock No. S/N 24003-0027.)
 - 3. "Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Services (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
 - 4. "NPDES Compliance Sampling Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, CO 80225.)
- C. Unless otherwise approved by the Regional Water Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.

- D. 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.
- F. If the Treatment Facility is not in operation, or if there is no discharge during a required reporting period, the discharger shall forward a letter to the Regional Water Board indicating that there has been no activity during the required reporting period.

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 7: Monitoring Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Inlet	M-INF	Inlet of the VEP system; 32° 50' 00" N, 115° 41' 00" W
Midpoint	M-MID	Midpoint of the VEP system; same position
Outlet	M-EFF	Outlet of the VEP system; same position

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location: The influent shall be monitored at the inlet of the VEP system.

1. The Discharger shall monitor influent to the VEP system at the inlet of the VEP system as follows:

Table 8: Influent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method ¹
Total Petroleum Hydrocarbons-Gasoline (TPH-G)	mg/L	Grab	Monthly	SW846 8015B
Benzene	µg/L	Grab	Monthly	SW846 8260B
1,2-Dichloroethane	µg/L	Grab	Monthly	SW846 8260B
pH	Standard units	Grab	Monthly	MCAWW 150.1

¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR sections 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location Midpoint of the VEP System

1. The Discharger shall monitor treated groundwater at the midpoint of the site VEP system for the same parameters, sample type, frequency, and analytical methods as the influent monitoring (See Table 8).

B. Monitoring Location: Outlet of the VEP System

1. The Discharger shall monitor treated groundwater at the outlet of the site VEP system for the same parameters, sample type, frequency, and analytical methods as the influent monitoring (See Table 8).

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS: NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS: NOT APPLICABLE

VII. RECLAMATION MONITORING REQUIREMENTS: NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER: NOT APPLICABLE

IX. OTHER MONITORING REQUIREMENTS: NOT APPLICABLE

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) relating to monitoring, reporting and recordkeeping.

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. Until such notification is given, the Discharger shall submit self-monitoring reports in accordance with the requirements described below.
2. The Discharger shall submit monthly Self Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. The discharger shall submit quarterly reports every three months, which summarize the monitoring results for the previous quarter and include other pertinent data and information related to the cleanup. An annual report shall also be submitted which summarizes all relevant data and information for the previous calendar year. Monthly reports shall be due on the 1st day of the second month following the end of each calendar month;

Quarterly reports shall be due on May 1, August 1, November 1, and February 1 following each calendar quarter; Annual reports shall be due on February 1 following each calendar year.

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

Table 9: Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Daily	Day after permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	First day of second calendar month following month of sampling
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1 st day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
Yearly	January 1 following (or on) permit effective date	January 1 through December 31	February 1

4. The Discharger shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.
5. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.
6. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
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:

Submit monitoring reports to:
California Regional Water Quality Control Board Colorado River Basin Region 73-720 Fred Waring, Suite 100 Palm Desert, CA 92260

C. Discharge Monitoring Reports (DMRs)

1. 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 self-monitoring reports. Until such notification is given, the Discharger shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.
2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

Submit monitoring reports to:
State Water Resources Control Board Discharge Monitoring Report Processing Center Post Office Box 671 Sacramento, CA 95812

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated or modified cannot be accepted.

D. Other Reports: The Discharger may be required to submit technical reports as directed by the Regional Water Board's Executive Officer.

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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.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table 10: Facility and Site Information

WDID	7A130706001
Discharger	United States Navy
Name of Facility	Naval Air Facility, El Centro
Facility Address	1605 Third Street
	El Centro, CA 92276
	Imperial County
Facility Contact, Title and Phone	Ms. Kimberly Counts-Lineses, Environmental Program Manager, (760) 339-2532
Authorized Person to Sign and Submit Reports	Mr. William Kagle Mr. Fred Rivera
Mailing Address	SAME
Billing Address	SAME
Type of Facility	Military Base
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	N/A
Reclamation Requirements	User onsite
Facility Permitted Flow	0.05 MGD
Facility Design Flow	0.05 MGD
Watershed	Imperial Hydrologic Unit
Receiving Water	Dry tributary of the New River
Receiving Water Type	Impaired River

- A.** The Site Owner (hereinafter Discharger) is the owner and operator of the Naval Air Facility, El Centro (hereinafter Treatment Facility), a military installation
- B.** The Facility discharges wastewater to a dry tributary of the New River, a water of the United States and is currently regulated by Order No. 00-093 which was adopted on September 13, 2000 and expired on September 12, 2005. The terms of the existing Order automatically continued in effect after the permit expiration date.

- 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 September 1, 2005.

II. FACILITY DESCRIPTION

- A. **Description of Wastewater and Biosolids Treatment or Controls** This permit is being issued to regulate the discharge from the clean up of contaminated groundwater at the Naval Air Facility, El Centro, IR Site 7 Former Underground Storage Tank Fuel Farm. This is being accomplished through the use of Vacuum Enhanced Pumping (VEP). The VEP system consists of 131 groundwater and soil vapor extraction wells manifolded to a 1,200-standard cubic feet per minute (scfm), positive displacement blower and thermal/catalytic oxidizer. The water entering the system is treated by two (2) 1,000 pound granular activated carbon (GAC) cells.
- B. **Discharge Points and Receiving Waters** The discharge point is a dry, unnamed drainage ditch, a tributary of the New River. Treated water is either discharged to the ditch, which is located in Section 24, T15S, R12E, SBB&M, or is used to re-hydrate the well field through the use of a sprinkler system.
- C. **Summary of Existing Requirements and Self-Monitoring Report (SMR) Data** Effluent limitations/Discharge Specifications contained in the existing Order for discharges from the VEP outlet (Monitoring Location 1) and representative monitoring data from the term of the previous Order are as follows: During the first quarter of system operation (December 2000 to March 2001), Total Petroleum Hydrocarbons were detected in the effluent at a level of 9µg/L. During the second quarter of system operation (April 2001 to June 2001), 1,2-Dichloroethane was detected in the effluent at a level of 1µg/L. All other effluent samples for all constituents have been non-detect.
- D. **Compliance Summary** The discharger exceeded the effluent limit for 1,2-Dichloroethane during the second quarter of system operation. Since that time the discharger has been in compliance with all specifications, provisions, and prohibitions of the previous order.
- E. **Planned Changes** There are no planned changes to the current operations that may impact this proposed Order.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. 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 (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order shall also serve as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the CWC for discharges that are not subject to regulation under CWA Section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

- C. State and Federal Regulations, Policies, and Plans** The Basin Plan 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 the unnamed drainage ditch to which the system effluent is discharged to, but does identify present and potential uses for the New River, to which the unnamed drainage ditch is tributary. These beneficial uses are: Fresh Water Replenishment of the Salton Sea (FRSH), Water Contact Recreation (REC I), Non-Contact Water Recreation (REC II), Warm Water Habitat (WARM), Wildlife Habitat (WILD), Industrial Service Supply (IND), and Preservation of Rare, Endangered, or Threatened Species (RARE). Thus, as discussed in detail in this Fact Sheet, beneficial uses applicable to the unnamed drainage ditch, tributary of the New River, are as follows:

Table 11: Basin Plan Beneficial Uses

1. **Thermal Plan** The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.
2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
3. **State Implementation Policy** On March 2, 2000, 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 Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional

Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating water quality-based effluent limitations (WQBELs), and requires Dischargers to submit data sufficient to do so.

4. **Antidegradation Policy** Section 131.12 of 40 CFR requires that 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 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. As discussed in detail in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision 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 40 CFR 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. All effluent limitations in the Order are at least as stringent as the effluent limitations in the previous Order.
6. **Monitoring and Reporting Requirements** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.
7. **Storm Water Requirements.**
 - a. Federal regulations for storm water discharges require specific categories of facilities which discharge storm water associated with industrial activity (storm water) to obtain NPDES permits and to implement Best Conventional Pollutant Technology (BCT) and Best Available Technology Economically Achievable (BAT) to reduce or eliminate industrial storm water pollution.
 - b. The State Water Resources Control Board (State Water Board) adopted Order No. 97-03-DWQ (General Permit No. CAS000001), specifying waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit. Coverage under the General Permit is not required because there are no storm water flows from the facility. Storm water is drained to a basin designed to contain all storm water on-site.

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

The site discharges into a tributary of the New River. The 2002 USEPA CWA 303(d) List classifies the New River as impaired by 1,2,4-Trimethylbenzene, chloroform, m,p-Xylenes, nutrients, low dissolved oxygen, o-Xylenes, p-Dichlorobenzene, pesticides, sedimentation (silt), toluene, pathogens, p-cymene, and trash. To date only TMDLs for pathogens and sedimentation have been established.

E. Other Plans, Policies and Regulations: NOT APPLICABLE

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

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 Section 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, three options exist to protect water quality: 1) 40 CFR Section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA Section 304(a); 2) proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter may be established.

Effluent and receiving water limitations in this Board Order are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U. S. Environmental Protection Agency guidance and regulations, and best practicable waste treatment technology. While developing effluent limitations and receiving water limitations, monitoring requirements, and special conditions for the draft permit, the following information sources were used:

1. EPA NPDES Application Forms 1 and 2A dated September 1, 2005.
2. Code of Federal Regulations – Title 40.
3. Water Quality Control Plan (Colorado River Basin – Region 7) as amended to date.
4. Regional Water Board files related to Naval Air Facility El Centro NPDES permit CA000012.

A. Discharge Prohibitions

Effluent and receiving water limitations in this Board Order are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U. S. Environmental Protection Agency guidance and regulations, and best practicable waste treatment technology.

1. Discharge of wastewater at a location or in a manner different from that described in the findings is prohibited.
2. The bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.A.7 of Attachment D, Federal Standard Provisions.
3. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Water Board will revise and modify this Board Order in accordance with such more stringent standards.
4. The treatment or disposal of wastes from the Treatment Facility shall not cause pollution or nuisance as defined in Section 13050(1) and 13050(m) of Division 7 of the California Water Code.

B. Technology-Based Effluent Limitations

1. Scope and Authority The Federal Water Pollution Control Act Amendments of 1972 (Pub L. 92-500) established the minimum performance requirements for facilities other than publicly owned treatment works [defined in Section 304(b)]. Section 301(b)(1)(A) of that Act requires that such treatment works must, as a minimum, meet effluent limitations based on best practicable control technology currently available as defined by the Environmental Protection Agency (EPA) administrator.

Regulations promulgated in 40 CFR Section 125.3(a)(2) require technology-based effluent limits for industrial dischargers to be placed in NPDES permits based on Best Practicable Control Technology (BPT).

2. Applicable Technology-Based Effluent Limitations: NOT APPLICABLE

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

- a. Effluent discharged from this Treatment Facility could contain pollutants in sufficient quantities to affect receiving water quality. Pursuant to Section 13263, Article 4, Chapter 4, Division 7 of the Porter Cologne Water Quality Control Act, the Regional Water Boards are required to issue Waste Discharge Requirements for discharges that could affect the quality of the State's waters. Furthermore, Federal Regulation 40 CFR 122.1 requires the issuance of NPDES permits for pollutants discharged from a point source to the waters of the United States.
- b. The U.S. Environmental Protection Agency published the adopted California Toxics Rule (CTR) (40 CFR Section 131.38). The CTR promulgates new criteria for both human health protection and protection of aquatic life. New numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants are listed. In addition, the CTR contains a compliance schedule provision, which authorizes the State to issue schedules of compliance for new or revised NPDES permit limits based on the federal criteria when certain conditions are met.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Basis for Limitations

Constituents

Total Petroleum Hydrocarbons (TPHg)
 Benzene and 1,2-Dichloroethane

Basis for Limitations

The limits protect the quality and beneficial uses of ground and surface waters. The limits are based on water quality objectives and regulatory criteria.

Hydrogen Ion (pH)

Hydrogen ion (pH) is a measure of the hydrogen ion concentration in the water. A range specified between 6 to 9 ensures suitability of biological life. This limitation has been adopted in the Basin Plan of the Region.

3. Determining the Need for QBELs: NOT APPLICABLE

4. QBEL Calculations: NOT APPLICABLE

5. Whole Effluent Toxicity (WET): NOT APPLICABLE

D. Final Effluent Limitations

Summaries of the water quality effluent limitations required by this Order are described in Table 12 and the text below.

Table 12: Final Effluent Limitations

E. Interim Effluent Limitations: NOT APPLICABLE

F. Land Discharge Specifications: NOT APPLICABLE

G. Reclamation Specifications: Any treated groundwater as effluent diverted from the discharge point tributary of the New River, and used to re-hydrate the where the VEP system is located and is treating, shall meet the same effluent limitations as those presented in Table 12.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

The surface water receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.

B. Groundwater

The groundwater receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.

VI. Rationale for Monitoring and Reporting Requirements

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of Monitoring results. Sections 13267 and 13383 of the California Water Code authorize the Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program, 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 Monitoring and Reporting Program for this facility.

- A. Influent Monitoring:** Influent monitoring is done to verify the effectiveness of the VEP system as well as to help determine the quality of the groundwater being treated, in order to set up and implement the most effective well head manifold spacing.
- B. Effluent Monitoring:** Effluent monitoring is done to verify the effectiveness of the VEP system and to ensure that no pollutants of concern enter the waters of the State above the Effluent limitations.

The discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are given in the monitoring and reporting program (Attachment E). The provision requires compliance with the monitoring and reporting program, and is based on 40CFR 122.44(i), 122.62, 122.63, and 124.5. The SMP is a standard requirement in almost all NPDES permits issued by the Regional Water Board, including this proposed Order. In addition to containing definition of terms, it specifies general sampling/analytical protocols and the requirements of reporting spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and the Regional Water Board's policies. The monitoring and reporting program also contains a sampling program specific for the Discharger's treatment system. It defines the sampling stations and frequency, pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all pollutants for which effluent limitations are specified. Further, in accordance with Section 1.3 of the SIP, periodic monitoring is required for all priority pollutants as defined by the CTR, for which criteria apply and for which no effluent limitations have been established, to evaluate reasonable potential to cause or contribute to an excursion above a water quality standard.

C. Whole Effluent Toxicity Testing Requirements: NOT APPLICABLE

D. Receiving Water Monitoring

- 1. Surface Water:** The surface water receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.
- 2. Groundwater:** The groundwater receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.

E. Other Monitoring Requirements: NOT APPLICABLE

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR §122.41, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

B. Special Provisions

- 1. Reopener Provisions:** This provision is based on 40 CFR Part 123. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or Regional Water Board, including revisions to the Basin Plan.
- 2. Special Studies and Additional Monitoring Requirements: NOT APPLICABLE**
- 3. Best Management Practices and Pollution Prevention:** Best Management Practices were developed for this site since much of the treated water is diverted from being discharged into the tributary of the New River and is instead used to re-hydrate the VEP system well field, which in turn increases production of the VEP system and improves contaminant removal rates.
- 4. Compliance Schedules: NOT APPLICABLE**
- 5. Construction, Operation, and Maintenance Specifications:** The discharger shall ensure that all site operational personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.

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

6. Special Provisions for Municipal Facilities (POTWs Only): NOT APPLICABLE

7. Other Special Provisions: NOT APPLICABLE

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Colorado River Basin 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 the Naval Air Facility, El Centro IR Site 7 Vacuum Enhanced Pumping (VEP) contaminant removal system. 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 following newspapers: The Desert Sun, The Imperial Valley Press, and The Riverside Press-Enterprise.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments should 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 August 26, 2006.

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: **September 20, 2006**
Time: **10:00 am**
Location: **City Council Chambers**
City of La Quinta
78-495 Calle Tampico
La Quinta CA, 92253

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://waterboards.ca.gov/coloradoriver> 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
1001 I Street
P.O. Box 1001
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 the Regional Water Quality Control Board office at 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 (760) 346-7491.

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 David Virginia at (760) 776-8973.

