10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm

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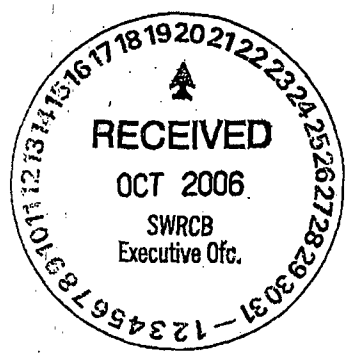
ENVIRONMENTAL ADVOCATES
ATTORNEYS AT LAW



October 19, 2006

Selica Potter, Acting Clerk to the Board
California State Water Resources Control Board
Executive Office
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Sacramento, CA 95814
Email: commentletters@waterboards.ca.gov

Re: COMMENT LETTER - 10/25/06 BOARD MEETING, Basin Plan Issue No. 6

Dear State Water Resources Control Board:

This letter constitutes comments by the following public interest environmental organizations (collectively, "the Citizen Groups") on Agenda Item No. 8, "consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Diego Region addressing Basin Plan Issue No. 6, authorization of Compliance Time Schedules in National Pollutant Discharge Elimination System (NPDES) Requirements:"

> California Coastkeeper Alliance, San Diego Coastkeeper, Baykeeper and its San Francisco Bay and Deltakeeper Chapters, Humboldt Baykeeper, Ecological Rights Foundation, Environmental Advocates, and Lawyers for Clean Water.

The San Diego Basin Plan amendment would authorize the San Diego Regional Board to issue so-called "compliance schedules" that delay the effective date of water quality-based effluent limitations ("WQBELs") and impose much more lenient interim "performance-based" effluent limitations instead. This proposed amendment would add to the state's current inconsistent patchwork of compliance schedule authorization provisions scattered in California water quality standards (WQS). The Citizen Groups urge the State Board to table consideration of the San Diego Basin Plan amendment–and any other compliance schedule authorization provisions--until after the State Board convenes and conducts workshops to study the compliance schedule issue comprehensively. The State Board should study the full cumulative impact of compliance schedule authorization provisions and should adopt a consistent statewide policy approach before acting further on any requested approvals of such provisions.

I. Why Compliance Schedules Are Problematic.

The Regional Boards are now increasingly using compliance schedules to gut half of the federal Clean Water Act ("CWA")'s central regulatory scheme for protecting our waters. In the CWA, Congress mandated that all states set WQS to ensure that all state waters enjoy the quality needed to protect the public's beneficial uses of those waters. In turn, Congress further required that dischargers comply by July 1, 1977 with WQBELs designed to ensure that WQS are met. Compliance schedules simply involve re-writing of the law to eviscerate the WQBEL requirement for the benefit of polluters and the ease of Regional Board staffs, who will necessarily have less enforcement to pursue and less polluter oversight to undertake.

Like other Regional Boards, the San Diego Regional Board contends that its compliance schedule amendment is justified as it "would provide the San Diego Water Board with an additional means to promote discharge compliance" with WQBELs. San Diego Regional Board, Resolution No. R9-2005-0238 (finding 7). This specious reasoning is equivalent to the California Highway Patrol announcing that doubling the speed limit is an effective way to promote compliance with the speeding laws. Making a law more lax certainly makes it easier to comply with, but hardly advances the purposes of that law.

Employing compliance schedules, Regional Board staff typically set so-called "interim performance-based limits," which ironically often last the entire life of the permit, that are calculated to allow pollutant discharges as high as the polluter has ever discharged, plus an added margin of safety for the discharger, to ensure that the polluter has no risk of violating its permit. Moreover, compliance schedules have repeatedly allowed dischargers to legally spew high concentrations of toxic pollutants such as dioxins, mercury, copper, lead, nickel, selenium, PCBs, and pesticides into waters that the State of California officially lists as having impaired water quality for those very same pollutants. Compliance schedules allow dischargers to dump toxic pollutants to impaired waters for years at levels higher than those that Regional Board staffs calculate will cause or contribute to those waters' impairment. Specific compliance schedule provisions vary, but the worst of them would authorize compliance schedules delaying the effective date of WQBELs until a total maximum daily load ("TMDL") is developed for the waterway at issue or for up to twenty years. State Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, enacted by State Board Resolution No. 2000-015 (March 2, 2000) and State Board Resolution No. 2005-0019 (February 24, 2005) ("State Implementation Plan" or "SIP") (section 2.1).[1] TMDL development, as discussed further below, is proceeding at a snail's pace, meaning compliance

[1] EPA Region 9 refused to approve this portion of the SIP, yet at least Regional Board 2 has expressly relied upon it in issuing compliance schedules to last until TMDLs are developed. *See, e.g.*, San Francisco Regional Board, Order No. 01-067, NPDES No. CA0005134, Chevron U.S.A., Inc., Richmond Refinery (June 20, 2001).

schedules could routinely last for a generation for the hundreds of waters that are the most impaired in California.

The Citizen Groups could cite to many examples of compliance schedule abuse: oil refineries allowed to discharge dioxins, selenium, and heavy metals to San Francisco Bay for years on end at levels expected to contribute to the Bay's well-documented impairment for those pollutants, municipalities allowed to spew mercury into San Francisco Bay at similarly excessive levels, geothermal plants allowed to discharge high levels of arsenic to waters impaired for arsenic, and so forth. One of the most egregious, however, is the Central Valley Regional Board's approval of a compliance schedule for Empire Mine State Park ("Empire Mine") in NPDES Permit No. CA0085171. Rather than set effluent limitations necessary to ensure attainment of WQS, the Empire Mine Permit sets limits on the discharge of several toxic pollutants that are astonishingly higher. The Permit's limit on the discharge of cadmium is 60,000 times an appropriate WQS-based limit, on mercury 18,000 times higher, on thallium 12,000 times higher, on lead almost 1200 times higher, on zinc 460 times higher, on copper 12 times higher, on chromium 9 times higher, and on nickel 5 times higher. The Permit reflects a conclusion utterly discordant with the CWA, that discharging hazardous waste to a waterway so dangerous that the public needs to be fenced out of the area for its own good constitutes full interim compliance with the CWA, a statute which declares its purpose to be "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a).

The State Board should question how this compliance schedule approach can seriously be called regulatory oversight-- Regional Board staff using public funds to draft purely superfluous effluent limits set equal to the highest level of pollutant discharge a polluter could ever reasonably be expected to have for the next twenty years. This is analogous to paying the CHP to figure out how fast the fastest automobile in the state is likely to drive, so as to know what speed limit to set--and then leave in place for a generation.

The Regional Boards' justification for compliance schedules is shielding dischargers from enforcement actions brought by the State or Regional Boards, the U.S. Environmental Protection Agency or citizens for failure to meet WQBELs when it might be difficult for dischargers to comply with their WQBELs. *E.g.*, San Diego Regional Board, Resolution No. R9-2005-0238 (findings 7, 8). This, however, is re-writing of the CWA to take away the enforcement tools for ensuring WQS attainment that Congress expressly provided for.

Congress expressly required that WQBELs must be set at a level necessary to ensure WQS attainment regardless of economic and technological restraints. *Ackels v. EPA*, 7 F.3d 862, 865-66 (9th Cir. 1993); *Defenders of Wildlife v. Browner* 191 F.3d 1159, 1163 (9th Cir. 1999); *Oklahoma v. EPA*, 908 F.2d 595, 597-98 (10th Cir. 1990); *rev'd on other grounds Arkansas v. Oklahoma*, 503 US 91 (1992); accord *In the Matter of: NPDES for City of Fayetteville*, 1988 EPA App. LEXIS 35, *13; 2 E.A.D. 594 (June 28, 1988) ("The meaning of [the CWA] is plain and straightforward. It requires unequivocal compliance with applicable water quality standards, and does not make any exceptions for cost or technological feasibility. . . . "). Congress further

mandated a strict deadline, long since passed, for achieving WQBELs designed to assure attainment with WQS: July 1, 1977. 33 U.S.C. § 1311(b)(1)(C). Congress provided that EPA and citizens can seek court enforcement of WQBELs whenever dischargers are violating them. 33 U.S.C. §§ 1319(d), 1365. Moreover, for states to have authority to run their own NPDES programs, they must have authority to enforce against violations of NPDES permit limits. 33 U.S.C. § 1342(b)(7).

The effect of compliance schedules is to eliminate, for years on end, State and Regional Board, EPA, and citizen suit enforcement as a mechanism to advance attainment of WQS. Instead, Regional Board permit writers become the sole arbiters of what measures should be required of dischargers to advance WQS attainment. Regional Boards appear to argue that this is appropriate because enforcement against dischargers who cannot immediately comply with WQBELs is somehow unduly punitive and draconian. This assumption is at odds with the realities of judicial and administrative enforcement, however. Courts and agencies *always* have flexibility to tailor the enforcement remedy required of a discharger to match the realities of what dischargers can realistically be expected to do, and this is how enforcement actions are consistently resolved. *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 317-318 (1982) ("Congress did not anticipate that all discharges would be immediately enjoined. . . . Rather, enforcement actions typically result, by consent or otherwise, in a remedial order setting out a detailed schedule of compliance designed to cure the identified violation of the Act."). Thus, the issue at the heart of the compliance schedule debate is not whether dischargers should be given reasonable leeway to comply with standards over a feasible time schedule. The issue is whether Regional Board permitting staff should be the sole determiners of what is a feasible time schedule for complying with WQS, cutting State and Regional Board enforcement staff, EPA enforcement staff, and citizen suit enforcers out of the process. The Citizen Groups strongly disagree with this proposition.

II. Compliance Schedule Authorization Provisions Are Widely Scattered and Inconsistent.

Compliance schedule authorization provisions are scattered across the EPA-promulgated California Toxics Rule ("CTR"), SIP and the Basin Plans for Regions 1, 2, 4, 5, 8, and 9 (The Basin Plans for Regions 3, 6 and 7 lack compliance schedule authorization provisions). The provisions that do exist were adopted at different times and are inconsistent, as reflected in the attached Table 1. Among other things, they establish different criteria for granting compliance schedules. Regional Board 2, for example, allows compliance schedules on the vague basis "where effluent limitations are not currently being met and where justified." Regional Board 1, by contrast, allows "technical or economic infeasibility" to be the basis for compliance schedules. Regional Board 4 establishes that compliance schedules may be granted when it is "infeasible . . . to comply immediately," but is vague on the extent to which infeasibility is a function of technical obstacles versus financial constraints.

The various Basin Plans also vary in the length of allowable compliance schedules. Regional Board 2, for example, allows compliance schedules to last up to ten years in certain

circumstances and only four years in others whereas the EPA-approved portions of Regional Board 1's Basin Plan limits compliance schedules to five years and Regional Board 4 limits compliance schedules to ten years from the date of adoption of a new WQS or five years from issuance of a given NPDES permit, whichever is shorter. Meanwhile, the CTR provides that compliance schedules for CTR-based effluent limitations cannot be issued after May 18, 2005. 40 C.F.R. § 131.38(e)(8). The EPA-approved portions of the SIP provide that compliance schedules can give no longer than March 2, 2010 to comply with WQBELs, though portions of the SIP that EPA has expressly declined to approve allow compliance schedules to last until March 2, 2020. SIP § 2.1.

Indeed, the San Diego Regional Board Basin Plan Amendment would allow schedules of compliance that exceed those allowed under the CTR. The CTR restricts compliance schedules to five years, or the life of the permit. 40 C.F.R. § 131.38(e)(6),(7) The proposed Amendment is overbroad and merely refers to the State Board interpretation of the CTR provisions under the SIP. (Resolution No. R9-2005-0238, Basin Plan Amendment Attachment A p. 2-3) However, the SIP does not apply to storm water, and therefore gives no guidance for application of compliance schedules for CTR criteria under those permits. The San Diego Amendment is ambiguous at best. This language could easily be misconstrued or abused in fashioning compliance schedule provisions in individual permits. Clearly, this is not a model for compliance schedules statewide.

The State Board should hold off further piecemeal approval of compliance schedule provisions until it studies the impact of compliance schedule provisions in existence and considers one consistent harmonizing policy that replaces the current inconsistent patchwork of compliance schedule provisions.

III. The State and Regional Boards Lack Information About the Cumulative Impact of Compliance Schedules.

The Citizen Groups sent a series of Public Records Act (PRA) requests to the Regional Boards in attempt to gauge the extent of Regional Board issuance of compliance schedules to date. As became clear from the response to our PRA requests, none of the Regional Boards are comprehensively tracking how many compliance schedules they have issued nor assessing in any fashion the cumulative impact of such compliance schedules on the waters in their jurisdiction. Response to our PRA requests has been grudging, disorganized, and incomplete, but we have done our best to develop our own partial database from these responses of how many compliance schedules have been issued in California to date–which we have attached as Table 2. Sadly and ironically, our Table 2 citizen database represents *the only information* that any of the Regional Boards or the State Board has on the cumulative issuance of compliance schedules statewide.

Our database indicates that the Regional Boards are making very widespread use of the compliance schedule device, at least signaling that the adverse impact on environmental protection potentially posed by compliance schedules is substantial. Specifically, Regional

Boards have issued at least 371 compliance schedules in recent years in at least 92 separate NPDES permits. As the attached Table 2 represents, *the majority* of the dischargers issued compliance schedules discharge to impaired waters listed on the State's CWA section 303(d) list. Thus, many compliance schedules are legalizing discharges which are adding to the pollution woes of waters that the State officially recognizes to be impaired. Moreover, issuing compliance schedules allowing pollutant loading at levels expected to cause or contribute to WQS exceedance, is a recipe for *adding more waters to the list of impaired waters and thus the State's burden to develop TMDLs.* The State's current CWA section 303(d) list identifies 1,883 instances in which state waters are excessively polluted by given pollutants and thus targeted for TMDL development. Recent trends would indicate that this list is likely to continue to grow. To date, the Regional Boards have adopted no more than about 40 TMDLs. At current pace of TMDL adoption, it will take the State and Regional Boards numerous decades to adopt TMDLs for all pollutants impairing all state waters even if more waters are not added to the State's 303(d) list. Accordingly, the State Board should be very hesitant to continue an approach likely to add to the number of impaired waters in California.

The State Board should not continue to allow the piecemeal expansion of compliance schedule authorization provisions without assessing the cumulative impact that compliance schedules are having in legalizing the discharge of pollutants expected to cause or contribute to the impairment of the state's waters. The State Board should convene a series of public workshops to gather basic information on the number of compliance schedules being issued and to what waters. These workshops should further focus on how these compliance schedules are affecting progress toward cleaning up impaired waters on the CWA section 303(d) list and how they might affect the need for TMDLs.

IV. . The EPA Star-Kist Caribe Decision Does Not Mandate Compliance Schedules.

The San Diego Regional Board, in its powerpoint presentation to the State Board urging adoption of its Basin Plan amendment, states that amending the Basin Plan to add compliance schedule provisions "is necessary because of the 1990 *Star-Kist Caribe* decision." The Regional Board misreads this EPA administrative decision. This decision did not mandate that states adopt compliance schedule provisions authorizing the delay of WQBELs. Instead, the decision only held that if a state's WQS lack provisions authorizing delaying the effective date of WQBELs, then WQBELs must be immediately effective. *In the Matter of: Star-Kist Caribe, Inc.*, 2 E.A.D. 758, 1989 EPA App. LEXIS 38 (U.S. EPA Environmental Appeals Board March 8, 1989). While *Star-Kist Caribe* is routinely referred to as authorizing compliance schedule provisions that delay the effective date of WQBELs, it is overlooked that the decision at most merely implied that this is the case and included no analysis or legal support justifying this assumption. A careful legal review of the CWA would show this assumption to be wrong.

CWA section 301(b)(1)(c) unambiguously and without qualification provides that "there shall be achieved . . . not later than July 1, 1977, any more stringent limitation . . . necessary to

meet water quality standards." There is no text in the CWA suggesting that this deadline can be extended to reflect "compliance schedules."

The CWA requires that states establish "schedules of compliance" as part of their "continuing planning process" required by CWA section 303(e), 33 U.S.C. § 1313(e). Under this continuing planning process, states are supposed to adopt and, as needed, update their plans for attaining WQS. 33 U.S.C. § 1313(e). "Schedules of compliance" adopted pursuant to this "continuing planning process" are supposed to do no more than mandate specific measures that will lead to eventual attainment of WQS. Notably, CWA section 303(e)(3)(F) mandates "schedules of compliance, for revised or new water quality standards." CWA section 502(17) further defines a "schedule of compliance" as:

> a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

33 U.S.C. § 1362(17). Together, these clauses are unambiguous that "a schedule of compliance" consists only of enforceable requirements for specific remedial measures that lead to compliance with effluent limitations such as WQBELs and ultimately, WQS. Finally, CWA section 303(c)(2)(A) makes it clear that WQS include only: (1) designated uses of water, and (2) the water quality criteria needed to attain such uses. Thus, there is no legal basis for including in WQS provisions authorizing compliance schedules that delay the effective date of WQBELs.

V. Conclusion

The State Board should schedule a series of workshops in Northern California (preferably the San Francisco Bay Area) and Southern California (in Los Angeles and San Diego) to gather basic information about the extent to which the Regional Boards are granting compliance schedules and the water quality impacts such compliance schedules are having. The workshops should also be used to hear from stakeholders their views and analysis on what constitutes sound and consistent statewide policy on compliance schedules. The State Board should defer any further approvals of compliance schedule authorization provisions until these workshops are held and the conclusions from these workshops are presented to the Board.

Thank you for consideration of our comments.

Sincerely,

Christopher a. Sproul

Christopher Sproul

On behalf of:

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Table 1: Existing Compliance Schedule Provisions in Regional Board Basin Plans

Table 1	North Coast (1)	SF Bay (2)	Los Angeles (4)	Central Valley (5)	Santa Ana (8)	San Diego (9)
Date adopted by Regional Board[1]	March 24, 2004	June 21, 1995	January 30, 2003	May 26, 1995	May 19, 2000	November 9, 2005
When compliance schedules are allowed	"technical or economic infeasibility"	"where effluent limitations are not currently being met and where justified."	"infeasible . . . to comply immediately" and Infeasible means "that discharger compliance cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors."	"infeasible to achieve immediate compliance with water quality objectives"	"infeasible . . . to comply immediately"	"achieving immediate compliance ... is infeasible" meaning that the "discharger compliance cannot be achieved in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors."
Standards to be delayed	"NPDES permit limitations based on new, revised or newly interpreted water quality criteria"	"newly adopted objectives or standards as NPDES permit conditions for particular substances"	"effluent limitation" to implement "a new, revised or newly interpreted water quality standard." Where 'Newly interpreted water quality standard' means "a narrative water quality objective that, when interpreted by the Regional Board during NPDES permit development (using appropriate scientific information and consistent with state and federal law) to determine the numeric effluent limits necessary to implement the narrative objective, results in a numeric effluent limitation more stringent than the prior NPDES permit issued to the discharger."		"an effluent limitation" to implement "new, revised or newly interpreted water quality objectives... or ... water quality criteria"	"new or more stringent WQBEL or receiving water limitations" based on "new, revised or newly interpreted water quality objectives"
Time of delay	"shortest feasible	"as soon as possible,	"shortest possible period of	"shortest practicable	"shortest practicable	"shortest practicable

[1] *See* Regional Board 1 Resolution R1-2004-001; Regional Board 2 Resolution No. 95-076; Regional Board 4 Resolution No. 2003-001; Regional Board 5 Resolution No. 95-142; Regional Board 8 Resolution No. 00-27, Regional Board 9 Resolution R9- 2005-0238.

Table 1	North Coast (1)	SF Bay (2)	Los Angeles (4)	Central Valley (5)	Santa Ana (8)	San Diego (9)
allowed	period of time" determined by regional board in public hearing, not to exceed five years. In language not approved by EPA there may be a five year extension if progress is being made, not to exceed ten years.	but in no event later than [four years for source controls and ten years for any additional measures to comply with effluent limitations] after new objectives or standards take effect."	time" no later than five years from date of permit or ten years from date of standard adoption (whichever is the shorter period of time)	time" not "more than ten years from the date of adoption of the objective or criteria) for compliance with water quality objectives, criteria or effluent limitations based on the objectives or criteria"	period of time, not to exceed ten years after the adoption or interpretation of applicable objectives or criteria."	time" not to exceed five years, except a five year extension is allowed where discharger shows "satisfactory progress towards achieving compliance."

Table 1	North Coast (1)	SF Bay (2)	Los Angeles (4)	Central Valley (5)	Santa Ana (8)	San Diego (9)
Information required before compliance schedules can be granted	1. Written request and demo that technical and economic infeasibility is met 2. Results of efforts to quantify pollutant levels in discharge and source controls 3. Current source control efforts 4. Proposed schedule for source control 5. Show what level is currently achievable and that current schedule is as short as possible 6. Data on current performance levels	1. Results of effort to quantify pollutant levels in discharge and source of pollutants 2. Show current source control efforts underway 3. Schedule for additional source control or pollution prevention 4. Demonstration that proposed schedule short as possible	1. Results of effort to quantify pollutant levels in discharge and source of pollutants 2. Show current source control efforts underway 3. Proposed schedule for additional source control measures or waste treatment 4. Highest discharge quality that can be attained until final compliance 5.Demonstration that proposed schedule is as short as possible	Not specified in plan language	1. Results of effort to quantify pollutant levels in discharge and source of pollutants 2. Show current source control efforts underway 3. Proposed schedule for additional source control measures and waste treatment 4. Discharge quality reasonably be attained until final compliance is achieved 5. Demonstration that proposed schedule is as short as possible, looking at economic, tech & others factors	1. Results of efforts to quantify current levels in discharge and source of pollutants 2. Show current source control and other programs underway and proposed schedule for compliance 3. Evidence that interim standard is highest that can be achieved until final compliance 4. Demonstration that time schedule is as short as practicable looking at economic, tech & other factors
Interim actions required	Yes, a time schedule for completing specific actions	Not clear but asks for a schedule for additional source	Yes, a time schedule for completing specific actions (including interim effluent	Yes, a time schedule for completing specific actions that	Yes, a time schedule for completing specific	Yes, a time schedule for completing or achieving specific actions

Table 1	North Coast (1)	SF Bay (2)	Los Angeles (4)	Central Valley (5)	Santa Ana (8)	San Diego (9)
	(including interim effluent limits) that demonstrate reasonable progress toward attaining the limits	control measures and waste treatment	limits) that demonstrate reasonable progress toward attainment of the limits and standards.	demonstrate reasonable progress toward the attainment of the objectives or criteria	actions that demonstrate reasonable progress toward attainment of the limit and thereby the objective or criterion	(including interim effluent limits) that demonstrate reasonable progress toward attainment of WQBEL or receiving water limitations and thereby attainment of water quality objectives.

TABLE 2 – To Date Review of Permits Statewide that contain Compliance Schedules [CS] or Interim Limits for WQBELs

Regional Board	Name	NPDES Permit	# Pollutants granted CS or interim limits	Pollutants granted compliance schedules or interim limits	Pollutants granted CS or interim AND on receiving water 303(d) list
2	Fairfield-Suisun Sewer District	CA0038024	6	copper, cyanide, dichlorobromomethane, bis (2-ethhtylhexyl) phthalate, 4,4'-DDE, and dieldrin	dioxin, dieldrin
2	Mirant Delta, Pittsburg Power Plant	CA0004880	4	copper, selenium, mercury, Dioxin	mercury, dioxin
2	South San Francisco and San Bruno WQCP	CA0038130	5	copper, mercury, selenium, cyanide, and tributyltin	mercury, Selenium
2	Tesoro Corp.	CA0004961	4	selenium, cyanide, dioxin TEQ, and PCBs	selenium, dioxin TEQ, and PCBs
2	Benecia	CA0038091	3	copper, mercury, selenium	mercury, Se
2	Burlingame	CA0037788	4	copper, mercury, alpha-THC and dieldrin	mercury, PCBs
2	C&H Sugar	CA0005240	3	copper, mercury, nickel	mercury
2	Central Contra Costa	CA0037648	6	cyanide, mercury, 2,3,7,8-TCDD; Equivalent, acrylonitrile, bis (2-ethylhexyl)phthalate, and tributyltin	mercury, dioxin and furan
2	Central Marin Sanitation Agency	CA0038628	1	mercury	mercury
2	CHEVRON, Richmond Refinery	CA0005134	5	mercury, selenium, cyanide, PCBs, and dioxin-tea	mercury, selenium, PCBs, dioxin
2	City of American Canyon	CA0038768	4	copper, nickel, zinc, and cyanide	mercury and nickel
2	City of Millbrae WPCP	CA0037532	6	copper, mercury, TCDD equivalents, PCBs, tetrachlorethylenedioxins and furans	copper, PCBs, mercury, dioxin compounds.
2	City of Palo Alto	CA0037834	8	cyanide, chlorodibromomethane, mercury, Benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, 4,4'-DDE, dieldrin, and heptachlor epoxide	mercury
2	City of Petaluma	CA0037810	2	copper, cyanide	
2	City of San Mateo	CA0037541	1	Bis (2-Ethylhexyl) Phthalate, tributyltin, cyanide, copper	
2	Conoco Phillips	CA0005053	7	copper, cyanide, 4,4-DDE, dieldrin, dioxin (TCDD Equivalents), mercury, and selenium	mercury, selenium, dioxins, dieldrin
2	Dow Chemical	CA0004910	3	copper, mercury, nickel	mercury, d/s receiving copper, nickel
2	EBMUD Wet Weather Bypass	CA0038440	6	copper, lead, mercury, nickel, Ag, zinc	mercury

Regional Board	Name	NPDES Permit	# Pollutants granted CS or interim limits	Pollutants granted compliance schedules or interim limits	Pollutants granted CS or interim AND on receiving water 303(d) list
2	EBMUD WWTP	CA0037702	4	copper, cyanide, mercury, dioxin	mercury, dioxin
2	EBRPD, Hayward Shore Marsh	CA0038636	4	copper, mercury, nickel, and cyanide	mercury, nickel
2	Fairfield-Suisun Sewer District	CA0038024	7	copper, cyanide, dichlorobromomethane, bis (2-ethylhexyl) phthalate, 4,4'-DDE, dieldrin, mercury	mercury
2	General Chemical	CA0004979	5	copper, lead, mercury, nickel, and selenium	copper, mercury, nickel, selenium
2	Kobe Precision	CA0030112	1	copper	
2	Marin County	CA0037753	4	copper, mercury, Hydrogen cyanide, selenium	copper, mercury, selenium
2	Marin County #5, Paradise Cove	CA0037427	1	cyanide	
2	Mirant Delta, LLC, Potrero Power Plant	CA0005657	2	copper and mercury	
2	Napa WWTP	CA0037575	6	copper, mercury, se, cyanide, TCDD, tributyltin	
2	Pinole	CA 0037796	2	mercury, cyanide	mercury
2	Sewerage Agency of S. Marin	CA003771	4	copper, selenium, mercury, cyanide	mercury
2	SF, Southeast Plant	CA0037664	3	copper, mercury, and dioxin TEQ	mercury, dioxin
2	SFIA Industrial WWTP	CA0028070	4	copper, mercury, beta-THC, cyanide	mercury
2	SFIA Water Quality Control Plant	CA0038318	6	copper, mercury, Bis (2-ethylhexyl) Phthalate, 4,4-DDD, alpha-THC, and beta-THC	mercury
2	Shell Oil Co., Martinez Refinery	CA0005789	7	lead, mercury, nickel, selenium, zinc, dibenzo(a,h)anthracene, and dioxin	mercury, nickel, selenium, dioxin
2	Sonoma Valley County Sanitation District	CA0037800	5	copper, mercury, cyanide, zinc, and tributyltin	copper, mercury
2	South Bayside System Authority, WWTF	CA0038369	3	dioxins and furans, copper, mercury,	dioxins and furans
2	USS-POSCO Industries Pittsburg Plant	CA0005002	2	cyanide, chlorodibromomethane, and Dichlorobromomethane	
2	Valero, Benicia Refinery	CA0005550	6	selenium, mercury, nickel, copper, lead, and dioxins and furans	copper, mercury, nickel, selenium, dioxins, and furans
2	West County Agency	CA0038539	5	copper, mercury, selenium, dioxin, cyanide	mercury, dioxin
3	City of San Luis Obispo WWTP	CA0049224	2	chlorodibromomethane, dichlorodibromomethane	

Regional Board	Name	NPDES Permit	# Pollutants granted CS or interim limits	Pollutants granted compliance schedules or interim limits	Pollutants granted CS or interim AND on receiving water 303(d) list
3	El Paso WWTP	CA0047953	5	copper, selenium, cyanide, Bromoform, chlorodibromomethane, dichlorodibromomethane	chlorides, sodium
3	Heritage Ranch WWTP	CA0048941	3	copper, mercury, 4,4-DDD	
4	Camarillo Sanitary District	CA0053597	7	chloride, total nitrite nitrogen, cyanide, 4-4-DDE, 4-4-DDD, Recolor	d/s receiving chloride, nitrogen
4	Camarosa Water District	CA0059501	5	copper, cyanide, chlorodibromomethane, dichlorobromomethane and lindane	copper
4	Fillmore WWTP	CA0059021	9	BOD5, TSS, chloride, nH3, copper, se, mercury, bis(2-ethylhexyl)phthalate, and mass	ammonia, TSS, chloride
4	HillCanyon WWTP	CA0056294	2	total nitrogen, ammonia	ammonia, d/s receiving nitrogen
4	Long Beach Water Reclamation	CA0054119	7	total nitrogen, ammonia, mercury, cyanide, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene, lindane (gamma-THC)	ammonia
4	Los Coyotes Water Reclamation Plant	CA0054011	6	total nitrogen, ammonia, mercury, nickel, cyanide, and Bis(2-ethylhexyl) Phthalate for duration	ammonia
4	Ojai Valley Wastewater Treatment Plant	CA0053961	4	thallium, bis(2-ethylhexyl)phthalat, lindane, cyanide	
4	Pomona Water Reclamation Plant	CA0053619	5	lead, mercury, cyanide, Acrylonitrile, and Bis(2-ethylhexyl)phthalate.	
4	San Jose Creek Water Reclamation Plant	CA0053911	15	copper, lead, mercury, selenium, cyanide, n-nitrosodimethylamine, 44-DDT, and 44-DDE - for san Jose East WRP; mercury, selenium, cyanide, tetrachloroethylene, Benzo(a)pyrene, Benzo(k)fluoranthene, Dibenzo(a,h)anthracene, and Indeno(1,2,3-cd)pyrene - for san Jose West. Also --> ammonia nitrogen and tetrachloroethylene (non car	
4	Saugus Water Reclamation Plant	CA0054313	1	chloride	
4	Simi Valley Water Quality Control Plant	CA0055221	5	nitrogen cmpds, nH3, selenium, cyanide and 4,4-DDE	selenium d/s listed Ammonia, nitrate and nitrite
4	Terminal Island Treatment Plant	CA0053856	7	ammonia, copper, lead, mercury, silver, cyanide, and Dieldrin	ammonia, copper, lead, mercury, and dieldrin

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4	Valencia Water Reclamation Plant	CA0054216	5	chloride, nitrate, mercury, cyanide, Acrylonitrile	chloride, Nitrate/Nitrite,
4	Ventura Water Reclamation Facility	CA0053651	8	copper, lead, mercury, nickel, selenium, zinc, cyanide, aldrin	pesticides
4	Whittier Narrows Water Reclamation Plant	CA0053716	6	mercury, cyanide, Acrylonitrile + ammonia nitrogen, nitrite nitrogen, nitrite plus nitrate as nitrogen, and chronic toxicity	ammonia
5.2	Cal Dept Forestry	CA0083798	4	copper, lead, silver, zinc	
5.2	Planada WWTP	CA0078950	4	cyanide, carbon tetrachloride, chlorodibromo-methane, Dichlorobromo-methane	
5.3	Bella Vista Water District	CA0080799	2	copper, Dichlorobromomethane	
5.3	CA Dept. of F&G-Mt. Shasta Hatchery	CA0004596	1	copper	
5.3	CA Dept. of F&G-Thermalito Annex Hatchery	CA0082350	1	copper	
5.3	Chester PUD	CA0077747	1	copper	
5.3	City of Willows	CA0078034	1	nitrate	
5.3	Dicalite Minerals Corp	CA0082058	2	zinc, Bis-2-Ethylhexylphthalate	
5.3	Quincy CSD	CA0077844	3	copper, lead, silver	
5.3	Shasta CSA #17 - Cottonwood WWTP	CA0081507	2	copper, zinc	
5.3	Sierra Pacific Industries-Anderson Div.	CA0082066	4	copper, cadmium, lead, zinc	
5.3	Sierra Pacific Industries-Shasta Lake Div.	CA0081400	3	lead, Bis-2-ethylhexylphthalate	
5.3	South Feather Water and Power	CA 0083143	1	copper	
5.3	Union Pacific RR Company		1	lead	
6	Amedee Geothermal Power Plant	CA0103055	3	arsenic	arsenic
6	Wineagle Geothermal Power Plant	CA0103063	3	arsenic	arsenic
7	Calipatra Wastewater Treatment Plant, Calipatria CA	CA0105015	4	copper, Free cyanide, selenium, thallium	
7	Centinela Wastewater State Prison Wastewater Treatment Plant	CA7000001	7	4,4' DDT, selenium, copper, thallium, cyanide, cadmium, chromium IV+E56	
7	City of Brawley Westwater Treatment Plant	CA0104523	5	copper, Free cyanide, lead, selenium, zinc	
7	City of Imperial Water Pollution Control Plant	CA0104400	2	selenium, thallium	
7	Coachella Sanitary District Wastewater Treatment Plant, Coachella, CA	CA0104493	7	copper, zinc, Free cyanide, Bis(2-Ethylhexyl)Phthalate, 4,4'-DDE, 4,4'-DDT, Heptachlor Epoxide	

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7	El Centro Generating Station	CA0104248	6	copper, cyanide, nickel, selenium, thallium, zinc	
7	Grass Carp Hatchery	CA0000074	3	copper, lead, selenium	selenium
7	Heber Geothermal Company, Heber	CA0104965	6	chromium, copper, mercury, nickel, thallium, zinc	
7	Imperial Valley College Wastewater Treatment Plant	CA0104299	2	copper, selenium	selenium
7	Mid-Valley Water Reclamation Plant, Thermal, CA	CA0104973	2	copper, cyanide	
7	Municipal Wastewater Treatment Plant for City of Holtville, CA	CA0104361	9	copper, selenium, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Bis(2-ethylhexyl)phthalate, chrysene, Ammonia	
7	Municipal Wastewater Treatment Plant for Heber, CA	CA0104370	4	copper, lead, zinc, Free cyanide	
7	Municiple Wastewater Treatment Plant	CA0104426	3	nickel, selenium, copper	Selenium
7	Municiple Wastewater Treatment Plant Wastewater Collection and Disposal Systems	CA7000009	2	copper, mercury	
7	Naval Air Facility El Centro Wastewater Treatment Plant, El Centro, CA	CA0104906	1	mercury	
7	Niland Wastewater Treatment Plant	CA0104451	3	copper, selenium, thallium	selenium
7	Second Imperial Geothermal, Herber	CA7000003	5	copper, lead, nickel, thallium, zinc	selenium
8	Carbon Canyon Water Reclamation Facility	CA8000073	1	free cyanide	
8	Regional Recycling Plant No.1 & No.4	CA0105279	1	cyanide	
8	San Diego Creek, Newport Bay Watershed (Staff Report)	CAG998002	1	selenium	selenium

92 Permits reviewed to date, TOTAL number Compliance Schedules or Interim Limits granted statewide (per pollutant tally) = 371