California Regional Water Quality Control Board
North Coast Region

Order No. R1-2005-0009
NPDES Permit No. CA0024040
I.D. No. 1B831180MEN

WASTE DISCHARGE REQUIREMENTS

FOR

MENDOCINO COUNTY WATER WORKS DISTRICT NO. 2
ANCHOR BAY WASTEWATER TREATMENT AND DISPOSAL FACILITY

Mendocino County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter, the Regional Water Board) finds that:

1. The Mendocino County Water Works District No. 2 (hereinafter, the Permittee) submitted a Report of Waste Discharge dated February 5, 2002, and applied for renewal of its permit, under the National Pollutant Discharge Elimination System (NPDES), to discharge treated and disinfected municipal wastewater from its Anchor Bay Wastewater Treatment and Disposal Facility (WWTF) located at 46890 Getchell Gulch Road in Anchor Bay, Mendocino County, California. The current Waste Discharge Requirements and NPDES permit are contained in Order No. 97-24, adopted by the Regional Water Board on March 27, 1997.

2. Construction of the WWTF was completed in April 1990. The WWTF is located near the community of Anchor Bay on the Mendocino County coast in the NW ¼ of Section 18, Township 11 North, Range 15 West, MDB&M of the Navarro quadrangle, as shown by Attachment A. The collection, treatment, and disposal system is shown in Attachment B.

3. The WWTF is designed to provide secondary treatment to an average dry weather flow (ADWF) of 24,000 gallons per day (gpd); however, previous waste discharge requirements have limited the discharge to a maximum ADWF of 19,600 gpd. It currently provides sewer service to between 60 and 70 residences, 2 commercial establishments, and no industrial dischargers.

4. Treatment by the WWTF consists of an aerated pond followed by chlorine disinfection and dechlorination. Retention time in the pond, where aerators are run intermittently based on dissolved oxygen levels, is from 15 to 20 days. Treated wastewater is discharged through Outfall No. 001 to 3.3 acres of forest land for irrigation, or through Outfall No. 002 to the Pacific Ocean. The ocean discharge structure is located in a sea cave, which provides a minimum initial dilution of 35 to 1. Solids are retained in the aerated pond.

5. The Anchor Bay Wastewater Treatment and Disposal Facility is a minor discharger, as defined by the U.S. Environmental Protection Agency (EPA). Pursuant to Title 23, California Code of Regulations (CCR), Section 2200, the Permittee is assessed an annual fee based on an average dry weather flow of 0.0196 million gallons per day (mgd).

6. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

7. The Water Quality Control Plan for Ocean Waters of California (2001 Ocean Plan) establishes beneficial uses and water quality objectives for waters of the Pacific Ocean adjacent to the California Coast outside of enclosed bays, estuaries and coastal lagoons.

8. The 2001 Ocean Plan states that dischargers shall conduct chronic toxicity testing if the minimum initial dilution of the effluent falls below 100:1 at the edge of the mixing zone. Testing for chronic toxicity is required by the accompanying Monitoring and Reporting Program.

9. The beneficial uses of ocean waters of the State of California are:

   a. industrial water supply
   b. navigation
   c. water contact recreation
   d. non-contact water recreation
   e. aesthetic enjoyment
   f. commercial and sport fishing
   g. mariculture
   h. estuarine habitat
   i. marine habitat
   j. wildlife habitat
   k. preservation and enhancement of designated Areas of Special Biological Significance
   l. rare and endangered species
   m. marine habitat
   n. fish migration
   o. fish spawning and shellfish harvesting

10. Beneficial uses of areal groundwaters include:

    a. domestic water supply
    b. agricultural water supply
    c. industrial service supply
    d. industrial process supply

11. Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the CWA and amendments thereto are applicable to the Permittee.

12. This Permit contains technology-based effluent limitations for Biochemical Oxygen Demand (BOD), suspended solids, pH and percent removal of BOD and suspended solids as required by 40 CFR 133.102. The Permittee's previous Permit contained concentration-based daily maximum effluent limitations for BOD and suspended solids. This Order has been modified to remove those technology-based effluent limitations. This Permit modification is governed by

40 CFR 122.44(*l*)(1), which provides that less stringent effluent limitations are permitted where the circumstances justifying permit modification under 40 CFR 122.62 are present. Among the several enumerated grounds is that, as provided in Section 122.62(a)(15), a modification is needed to "correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions." Pursuant to 40 CFR 122.45(m), effluent limitations for publicly owned treatment works (POTWs) are to be expressed as weekly and monthly averages. A concentration-based daily maximum limitation was previously included for this discharge, but is no longer technically justified. Accordingly, concentration-based effluent limitations are included for BOD and suspended solids and are expressed as monthly and weekly averages and daily maximums. However, due to the intermittent nature of the discharge, mass-based daily maximum limitations for BOD and suspended solids are also established in this Permit to prevent excessively large daily discharges.

13. The Permittee is not required to have coverage under the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities because the design flow of the WWTF is less than 1.0 mgd. Regional Water Board staff have determined that this facility does not have storm water discharges to surface waters. Storm water Best Management Practices are in place to divert storm water run-on from the treatment facility grounds. Storm water falling within the confines of the treatment facility is absorbed by the vegetation surrounding the facility.

14. The WWTF is not required under 40 CFR Part 403 to have an approved pretreatment program that meets the criteria established in 40 CFR Part 403.8 and Part 403.9 because the average daily dry weather flow is less than 5 mgd and there are no significant industrial users discharging to the WWTF. While this Order does not require a formal pretreatment program, it does establish a permit provision (Section G) that requires the Permittee to perform certain source control functions to ensure that pollutants do not interfere with, pass through, or be incompatible with treatment operations, interfere with the use or disposal of sludge, or pose a health hazard to personnel. Example measures include the maintenance of a list of industrial and commercial facilities in the service area and adoption of ordinances allowing inspection and sampling of any discharge to the system.

15. The Permittee is required to develop a Spill Response and Notification Plan. The Plan will specify public and responsible agency notification procedures, public education and outreach efforts, mutual aid agreements, and staff training efforts that will be undertaken by the Permittee to protect public health, wastewater treatment facility and collection system personnel, and the environment.

16. The Permitted discharge is consistent with the antidegradation provisions of 40 CFR Section 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.

17. This action to renew an NPDES Permit is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA), in accordance with Section 13389 of the California Water Code (CWC). In addition, this action is exempt from CEQA pursuant to Title 14, California Code of Regulations (CCR), Section 15301, as an activity involving the permitting of an existing facility that involves negligible or no expansion of an existing use.

18. Water Quality-Based Effluent Limitations (WQBELs) were developed for the Permit. Discharge monitoring data were analyzed to determine whether the discharge has the reasonable potential to cause or contribute to an excursion above any water quality objective contained in Table B of the 2001 Ocean Plan. This reasonable potential analysis (RPA) was conducted using the results of effluent data from 1998 to 2004. Based on the results of the RPA, the discharge has the reasonable potential to exceed Ocean Plan water quality objectives for zinc, ammonia, and total chlorine residual and acute toxicity. In accordance with federal regulations, WQBELs were established for these parameters. Mass-based effluent limitations for these Ocean Plan Table B water quality objectives are established in this Permit in accordance with Section III(C)(3)(j) of the 2001 Ocean Plan and are calculated based on the dry weather design flow of the WWTF.

19. Certain WQBELs derived from water quality objectives contained in Table B of the Ocean Plan and included in the previous Permit have been deleted from this Permit. The deletion of these effluent limitations complies with CWA Section 402(o)(2)(B)(i) because the Regional Water Board has determined that there is no reasonable potential that these constituents will cause or contribute to violations of water quality objectives. In the event that monitoring results or other evidence reveals that any of the deleted constituents have a reasonable potential to cause or contribute to violations of water quality objectives, the Regional Water Board may consider revising this Permit to include effluent limitations for constituents of concern.

20. The Regional Water Board has notified the Permittee 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.

21. The Regional Water Board, in public meetings on April 20, 2005, heard and considered all comments pertaining to the discharge.

22. This Order will serve as a NPDES Permit pursuant to Section 402 of the CWA, and amendments thereto, and will take effect upon adoption.

23. The Fact Sheet is incorporated as findings in support of this Order as if set forth here verbatim.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 97-24 is rescinded, and the Permittee, in order to meet the provisions of Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Permittee or within the reasonable contemplation of the Regional Water Board is prohibited.

2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC is prohibited. [Health and Safety Code, Section 5411]

3. The discharge of sludge is prohibited, except as authorized under **H. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS.**

4. The discharge of untreated waste or partially treated waste from anywhere within the collection, treatment, or disposal facilities, except as provided for bypasses under the conditions in General Provision I.13 of this Order, is prohibited.

5. The discharge of waste to land that is not under the control of the Permittee is prohibited, except as authorized under **H. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**.

6. The discharge of wastewater to a use area other than the forest land designated for that purpose is prohibited.

7. The average dry weather flow to the treatment plant shall not exceed 0.0196 mgd, as determined from the lowest monthly average daily flow in a calendar year.

8. The discharge of wastewater to the Pacific Ocean from May 15 through September 30 each year shall not exceed 0.0140 mgd in any calendar day, and shall coincide with periods of high tide to maximize dispersion.

9. The discharge of wastewater to the forest irrigation system shall not exceed a maximum daily flow of 0.010 mgd in any calendar day.

B. EFFLUENT LIMITATIONS[1] FOR DISCHARGES TO THE FOREST IRRIGATION SYSTEM

1. Representative samples of the discharge to the forest irrigation system, through Discharge Serial No. 001, shall not contain constituents in excess of the following limitations:

[1] Effluent limitations shall be applicable at the point of completion of treatment and disinfection, unless otherwise specified.

Constituent	Units	Monthly Average	Daily Maximum
BOD_5	mg/L	50	80
Suspended Solids	mg/L	50	80

2. The disinfected effluent discharged from the WWTF to the forest irrigation system shall not contain concentrations of total coliform bacteria exceeding the following limitations:

   a. The median concentration shall not exceed a Most Probable Number (MPN) of 23 per 100 milliliters, using the bacteriological results of the last seven days for which analyses have been completed.

   b. The number of total coliform bacteria shall not exceed an MPN of 230 per 100 milliliters in more than one sample in any calendar month.

C. EFFLUENT LIMITATIONS FOR DISCHARGES TO THE PACIFIC OCEAN

1. Representative samples of the discharge to the Pacific Ocean, through Discharge Serial No. 002, shall not contain constituents, as described and defined in the 2001 Ocean Plan, in excess of the following limitations:

Constituent	Units	Monthly Average[2]	Weekly Average[3]	Daily Maximum
BOD_5	mg/l lb/day[4,5]	30 5.0	45 7.4	-- 10

[2] The arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

[3] The arithmetic mean of all daily determinations made during a calendar week, Sunday to Saturday. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

[4] Mass-based effluent limitations are based on the WWTF dry weather design flow of 0.0196 mgd.

[5] The mass discharge (lbs/day) is obtained from the following formula for any calendar day, week, or month:

$$\frac{8.34}{N}\sum_{i}^{N} Q_i C_i$$

in which N is the number of samples analyzed in any calendar day, week, or month. Q_i and C_i are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples that may be taken in any calendar day, week or month. If a composite sample is taken, C_i is the concentration measured in the composite sample; and Q_i is the average flow rate occurring during the period over which samples are composited.

Constituent	Units	Monthly Average[6]	Weekly Average[7]	Daily Maximum
Suspended Solids	mg/l lb/day[c]	30 5.0	45 7.4	-- 10
Settleable Solids	ml/l/hr	1.0	1.5	3.0
Grease and Oil	mg/l	25	40	75
Turbidity	NTU	75	100	225
pH	pH units	Not less than 6.0 or greater than 9.0		

2. The disinfected effluent discharged from the WWTF to the Pacific Ocean shall not contain concentrations of total coliform bacteria exceeding the following limitations:

   a. The monthly median concentration shall not exceed a Most Probable Number (MPN) of 70 per 100 milliliters, using bacteriological results from the calendar month for which analyses have been completed.

   a. No more than 10 percent of the samples shall exceed an MPN of 230 per 100 milliliters.

3. The arithmetic mean of the BOD and suspended solids values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal). Percent removal shall be determined from the 30-day average value of influent wastewater concentration in comparison to the 30-day average value of effluent concentration for the same constituent over the same time period.

4. Effluent discharged to the Pacific Ocean shall not contain toxic constituents in excess of the following limits (constituents are as described and defined in the 2001 Ocean Plan):

[6] The arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

[7] The arithmetic mean of all daily determinations made during a calendar week, Sunday to Saturday. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

Parameter	Units	6-Month Median[8]	Daily Maximum[9]	Instantaneous Maximum[10]
Ammonia	mg/l lbs/day	21.6 3.5	86.4 14.1	216 35.3
Total Residual Chlorine	mg/l lbs/day	0.072 0.012	0.288 0.047	2.16 0.353
Zinc	µg/l lbs/day	440 0.072	2,600 0.425	6,920 1.13
Acute Toxicity	TUa	---	1.35	---

D. RECEIVING WATER LIMITATIONS

The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:

1. Bacterial Characteristics.

   a. Body-Contact Standards.

      i. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for body-contact sports, as

      determined by the Regional Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

         1) Samples of water from each sampling station shall have a density of total coliform organisms of less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).

         2) The fecal coliform density based on a minimum of five samples for any 30-day period shall not exceed a log mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.

[8] The 6-month median shall apply as a moving median of daily values for any 180-day period in which daily values represent flow weighted average concentrations within a 24-hour period. If only one sample is collected during the 180-day period, the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.

[9] The daily maximum limitations shall apply to 24-hour composite samples.

[10] The instantaneous maximum shall apply to grab sample determinations for Table B constituents. Each value collected in a calendar day is evaluated independently and compared to the limitation.

b. Shellfish Harvesting Standards.

i. The following bacteriological objectives shall be maintained throughout the water column: In any 30-day period, the medial total coliform concentration shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

2. Physical Characteristics.

a. Floating particulates and grease and oil shall not be visible.

b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

d. The rate of deposition of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics.

a. The dissolved oxygen concentration shall not at any time be depressed more than ten percent from that which occurs naturally as a result of the discharge of oxygen-demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Table B of the 2001 Ocean Plan in marine sediments shall not be increased to levels that would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

4. Biological Characteristics.

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. General Standards.

   a. The 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 Board as required by the CWA and regulations adopted thereunder.

   b. The discharge to the Pacific Ocean shall be essentially free of:

      i. Material that is floatable or will become floatable upon discharge.

      ii. Settleable material or substances that may form sediments that will degrade benthic communities or other aquatic life.

      iii. Substances that will accumulate to toxic levels in marine waters, sediments, or biota.

      iv. Substances that significantly decrease natural light to benthic communities and other marine life.

      v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

   c. Waste shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.

   d. The discharge shall be such that, in the view of oceanographic characteristics and current patterns:

      i. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.

      ii. Natural water quality conditions are not altered in areas designated as being of special biological significance.

      iii. Maximum protection is provided to the marine environment.

   The discharge shall not interfere with the attainment or maintenance of that water quality which ensures the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water.

E. WASTEWATER IRRIGATION REQUIREMENTS

1. Wastewater discharged through the spray irrigation system shall not create a condition of pollution or nuisance as defined in CWC Section 13050(m).

2. Wastewater shall not be applied to irrigation areas during periods when uncontrolled runoff may occur.

3. Wastewater shall be applied in such a manner so as not to exceed vegetative demand or field capacity.

4. Wastewater and airborne spray shall not be allowed to escape from the authorized disposal area(s).

5. Direct or windblown spray, mist, or runoff from irrigation areas shall not enter dwellings, designated outdoor eating areas, or food handling facilities.

6. All reservoirs and ponds shall be adequately protected from erosion, washout, or flooding from a rainfall event having a predicted frequency of once in 100 years.

7. No irrigation with, or impoundment of, wastewater shall take place within 100 feet of any domestic water supply well.

8. No spray irrigation of wastewater shall take place within 100 feet of a residence or a place where public exposure could be similar to that of a park, playground or school yard.

9. The disposal of wastewater shall not cause degradation of any water supply.

10. Areas irrigated with wastewater shall be managed to prevent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard. Wastewater applied to the irrigation area shall infiltrate completely within a 24-hour period.

11. All areas of the wastewater disposal area that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: 'RECYCLED WATER – DO NOT DRINK'. [Title 22, Section 60310(g)] Each sign shall display an international symbol similar to that shown in figure 60310-A. These warning signs shall be posted at least every 500 feet with a minimum of a sign at each corner and access road.

F. GROUNDWATER LIMITATIONS

1. The collection, storage, and use of wastewater or recycled water shall not cause or contribute to a statistically significant degradation of groundwater quality.

2. The collection, storage, and use of wastewater shall not cause groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

G. SOURCE CONTROL PROVISIONS

1. Beginning September 1, 2005, the Permittee shall perform source control functions, to include the following:

    a. Implement the necessary legal authorities to monitor and enforce source control standards.

    b. If waste haulers are allowed to discharge to the WWTF, establish a waste hauler permit system, to be reviewed by the Executive Officer, to regulate waste haulers discharging to the collection system or WWTF.

    c. Conduct a waste survey to identify all dischargers that might discharge pollutants that could pass through or interfere with the operation or performance of the WWTF.

    d. Develop a public outreach program to educate users about the importance of preventing discharges of industrial and toxic wastes to the wastewater treatment plant.

    e. Perform ongoing industrial inspections and monitoring, as necessary, to ensure compliance with source control regulations.

2. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's source control activities over the previous twelve months. This annual report is due to be received by the Regional Water Board by March 1st of each year beginning on March 1, 2006, and shall contain:

    a. A copy of the source control standards.

    b. A description of the waste hauler permit system.

    c. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of any industrial users affected by the following actions:

        i. The names and addresses of the industrial users subject to surveillance by the Permittee, and an explanation of whether they were inspected, sampled, or both, and the frequency of these activities at each user; and

        ii. The conclusions or results from the inspection or sampling of each industrial user.

    d. A summary of public participation activities to involve and inform the public.

H. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS

1. All collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a municipal solid waste landfill, reused by land application, disposed of in a sludge-only landfill, or incinerated in accordance with 40 CFR Parts 257, 258, 501, and 503, the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations, and with the 2001 Ocean Plan. If the Permittee desires to dispose of solids or sludge by a different method, a request for permit modification shall be submitted to the North Coast Regional Water Board 180 days prior to the alternative disposal.

2. All the requirements in 40 CFR 503 are enforceable by U.S. EPA whether or not they are stated in an NPDES permit or other permit issued to the Permittee. The Regional Water Board shall be furnished copies of relevant correspondence and reports forwarded to the U.S. EPA regarding sludge management practices.

3. Sludge that is disposed of in a municipal solid waste landfill or used as landfill daily cover shall meet the applicable requirements of 40 CFR Part 258. In the annual self-monitoring report, the Permittee shall include the amount of sludge disposed of, and the landfill(s) to which it was sent.

4. Sludge that is applied to land as soil amendment shall, at a minimum, meet pollutant ceiling concentrations and pollutant concentrations, pathogen reduction and vector attraction reduction requirements, and annual and cumulative discharge limitations of 40 CFR Part 503. In the annual self-monitoring report, the Permittee shall include for each land application event; the amount of sludge applied to land as soil amendment, identification of the land application site, and the date on which the application took place.

5. Sludge that is disposed of through surface disposal, including but not limited to trench systems, area-fill systems, active waste piles, and active impoundments or lagoons shall meet the applicable requirements of 40 CFR Part 503. In the annual self-monitoring report, the Permittee shall include the amount of sludge stored at the WWTF at the end of the year. Sludge stored beyond 2 years may be considered disposal and regulated as a waste pile or surface impoundment under Title 27 Division 2 of the California Code of Regulations.

6. The Permittee is responsible for ensuring compliance with these regulations whether the Permittee uses or disposes of the sludge itself or contracts with another party for further treatment, use, or disposal. The Permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under 40 CFR Parts 257, 258, and 503.

7. The Permittee shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that has a likelihood of adversely affecting human health or the environment.

8. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.

9. The solids and sludge treatment and storage site shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.

10. The discharge of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the state.

I. GENERAL PROVISIONS

1. Duty to Comply.

The Permittee shall comply with all conditions of this Order. Any instance of noncompliance with this Order constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application. [40 CFR 122.41(a)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Duty to Reapply.

This Permit expires on April 20, 2010. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application, including a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than October 20, 2009 [40 CFR 122.41(b)]. The Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit an application at a later date prior to the Order expiration date; and the Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Order expiration date. [40 CFR 122.21(d)(1)]

3. Enforcement.

The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed $25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41(a)(2)].

4. Duty to Mitigate.

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance.

a. The Permittee 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 Permittee to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory quality control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Permittee only when necessary to achieve compliance with the conditions of this Order. [40 CFR 122.41(e)]

b. The Permittee shall update the O&M Manual, as necessary, to conform to changes in operation and maintenance of the WWTF. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:

i. Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.

ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.

iii. Description of laboratory and quality assurance procedures.

iv. Process and equipment inspection and maintenance schedules.

v. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Permittee will be able to comply with requirements of this Order.

vi. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

6. Permit Actions.

a. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

i. Violation of any terms or conditions of this Order; or

ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

iii. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or

iv. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

b. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Order shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittee so notified. [40 CFR 122.44(b)]

c. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40 CFR 122.41(f)]

7. Property Rights.

This Order does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information.

The Permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. The Permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Order. [40 CFR 122.41(h)]
The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, the Department of Health Services and/or other authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Order;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance to this Order, or as otherwise authorized by the CWA, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The Permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The Permittee 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 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, but at least annually to ensure their continued accuracy.

c. Records of monitoring information shall include:

i. The date, exact place, and time of sampling or measurements;

ii. The individual(s) who performed the sampling or measurements;

iii. The date(s) analyses were performed;

iv. The individual(s) who performed the analyses;

v. The analytical techniques or methods used;

vi. The results of such analyses;

vii. The reported Minimum Level (ML) and the laboratory's current method detection limit (MDL).

d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order or approved by the Executive Officer. Unless otherwise specified, all metals shall be reported as total recoverable metals. Toxicity bioassays shall be performed in accordance with the provisions of this Permit.

11. Signatory Requirements

a. All Permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]

b. Reports required by this Order, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. The authorization is made in writing by a person described in paragraph (a) of this provision;

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b) and (c)]

c. Any person signing a document under paragraph (a) or (b) 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)]

12. Reporting Requirements.

a. Planned changes: The Permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:

i. 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); or

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order, nor the notification requirements under paragraphs (f) and (g) of this provision.

b. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

c. Transfers: This Permit is not transferable.

d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received by March 1 following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year and other information as required by the Monitoring and Reporting Program. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Order. If the Permittee monitors any pollutant more frequently than required by this Order, using test procedures approved under 40 CFR Part 136 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 self-monitoring report.

e. 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 such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.

f. Noncompliance reporting: The Permittee shall report any noncompliance at the time monitoring reports are submitted. 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 recurrence of the noncompliance.

In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Order;

ii. Any upset that exceeds any effluent limitation in this Order;

iii. Any noncompliance that may endanger health or the environment except as provided elsewhere in this Permit.

The Executive Officer may waive the above-required written report.

g. Other information: Where the Permittee 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, the Permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

13. Bypass

a. Definitions:

i. Bypass [as defined in 40 CFR 122.41(m)] is the intentional diversion of waste streams from any portion of a treatment facility.

ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities that 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.

b. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of parts c and d of this section.

c. Notice

i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

ii. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in **GENERAL PROVISION I.12.f**. of this Permit.

d. Prohibition of bypass

i. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee for bypass, unless:

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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 backup 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.

c) The Permittee submitted notices as required under **GENERAL PROVISION I.13.c.** of this Permit.

ii. The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it will meet the three conditions listed above in **GENERAL PROVISON I.13.d.i**. above.

e. Burden of proof. In any enforcement proceeding the Permittee seeking to establish that the occurrence of a bypass did not violated this provision has the burden of proof.

f. Reopener. This provision may be modified in accordance with the requirements set forth at 40 CFR 122.44(*l*)(1) and 122.62.

14. Upset.

a. Definition. Upset [as defined in 40 CFR 122.41(n)] is 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.

b. 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 (c), below, are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The Permittee submitted notice of the upset as required in **GENERAL PROVISION I.12.f.** of this Permit; and

iv. The Permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Wastewater Collection System

a. Within 365 days from the effective date of this Order, the Permittee shall develop and implement a management, operation and maintenance program for its wastewater collection system. The program shall include:

i. Adoption of the necessary legal authorities to implement the program.

ii. Establishment of collection system performance goals and measures to control infiltration and inflow.

iii. A schedule to conduct routine, on-going preventive operation and maintenance activities.

iv. Procedures to identify structural deficiencies and to propose and implement rehabilitation actions.

v. The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility.

vi. The maintenance of accurate collection system maps and maintenance records.

vii. Collection system employee training program.

viii. Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

16. Sanitary Sewer Overflows.

a. The Permittee shall submit to the Regional Water Board within 90 days of the effective date of this Order an updated Spill Response and Notification Plan. The Permittee shall review at least every five years and update the Plan, as necessary, and include an updated Plan in the application for new waste discharge requirements.

b. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.

c. SSOs shall be reported to the Regional Water Board staff in accordance with the following:

i. *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone. A written description of the event shall be submitted with the monthly monitoring report.

ii. *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.

iii. *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway do not require Regional Water Board notification.

iv. Information to be provided verbally includes:

a. Name and contact information of caller.
b. Date, time and location of SSO occurrence.
c. Estimates of spill volume, rate of flow, and spill duration.
d. Surface water bodies impacted.
e. Cause of spill.
f. Cleanup actions taken or repairs made.
g. Responding agencies.

v. Information to be provided in writing includes:

a. Information provided in verbal notification.
b. Other agencies notified by phone.
c. Detailed description of cleanup actions and repairs taken.
d. Description of actions that will be taken to minimize or prevent future spills.

d. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's activities within the collection system over the previous calendar year. This annual report is due to be received by the Regional Water Board by March 1st of each year and shall contain:

i. A description of any change in the local legal authorities enacted to implement the program.

ii. A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume, and cause of the SSO, the names and addresses of the responsible parties (if other than the Permittee).

iii. A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.

iv. Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.

e. The Permittee shall perform a self-audit at least once during the life of the Permit to assess the degree to which the performance measurements are being met.

f. The Permittee shall provide notice to the public of the availability of each annual report in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Permittee and information on how to obtain a copy of the report. The Permittee shall provide documentation that the annual report has been made available to the public.

17. Availability.

A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.

18. Change in Discharge.

a. In the event of a material change in the character, location, or volume of a discharge, (including any point or non-point discharge to land or groundwater) the Permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

i. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

ii. Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301or 306 of the CWA if it were directly discharging those pollutants;

iii. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment that would significantly alter the characteristics of the waste.

iv. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.

v. Increase in area or depth to be used for solid waste disposal beyond that specified in the Waste Discharge Requirements. [CCR Title 23 Section 2210]

19. Severability.

Provisions of these Waste Discharge Requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

20. Monitoring.

The Regional Water Board or State Water Board may require the Permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Sections 13267 and 13383].

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program (which are issued pursuant to CWC Sections 13267 and 13383) and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. The Permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services (DHS). In the event that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State DHS guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

21. Operator Certification.

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State DHS where water reclamation is involved.

22. Adequate Capacity.

Whenever a WWTF will reach capacity within four years, the Permittee shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. Factors to be evaluated in assessing reserve capacity shall include, at a minimum, (1) comparison of the wet weather design flow with the highest daily flow, and (2) comparison of the average dry weather design flow with the lowest monthly flow. The Permittee shall demonstrate that adequate steps are being taken to address the capacity problem. The Permittee shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification, that the WWTF will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

23. Effluent Toxicity Control Provision

a. Test Species, Testing Frequency and Methods

i. The Permittee shall conduct short-term tests with the topsmelt, *Atherinops affinis* (growth and survival test), the red abalone, *Haliotis rufescens* (larval development test), and the giant kelp, *Macrocyctis pyrifera* (germination and germ-tube length test) for the first two suites of tests to determine the most sensitive species for chronic toxicity testing. After this screening period, effluent chronic toxicity monitoring shall be conducted using the most sensitive species. The Permittee shall re-screen once with the three species listed above at least once every five years. To determine compliance with the effluent limitation for acute toxicity, the Permittee may use the survival endpoint result from the chronic test for *A. affinis*.

The use of a different test species, in lieu of conducting tests using the required test species may be considered/approved by the Executive Officer on a case-by case basis upon submittal of the documentation supporting the Permittee's determination that a different species is more sensitive and appropriate. Two test species may be required if test data indicate that there is alternating sensitivity between the two species.

ii. The presence of whole effluent toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms* (EPA-600/R-95/136, or subsequent editions). Results shall be based on representative samples of the treated effluent meeting test acceptability criteria. A concurrent reference toxicant test shall be performed for each test.

b. Toxicity Monitoring Trigger

Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or ambient waters compared to that of the control organisms. For the purposes of this Permit, the presence of chronic toxicity is indicated by a toxicity test result greater than or equal to 36 TUc. The presence of acute toxicity is indicated by an exceedance of the daily maximum effluent limitation of 1.35 TUa for acute toxicity.

c. Accelerated Monitoring

The Permittee shall initiate accelerated monitoring in accordance with the monitoring and reporting program in the event that an effluent limitation or monitoring trigger is exceeded.

d. TRE Workplan

The Permittee shall submit to the Regional Water Board a copy of the Permittee's Toxicity Reduction Evaluation (TRE) workplan within 90 days of the effective date of the permit. This plan shall describe the steps the Permittee intends to follow if toxicity is detected, and should include, at least the following items:

i. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.

ii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices.

iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs.

e. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE)

i. If accelerated monitoring indicates effluent toxicity, then, in accordance with the facility's initial investigation according to the TRE workplan, the Permittee shall initiate the TRE within 30 days of the date of completion of the accelerated monitoring test observed to exceed the chronic toxicity parameter.

ii. The TRE shall be in accordance with current technical guidance and reference material including, at a minimum, the EPA manual EPA/833B-99/002. The Permittee will expeditiously develop a more detailed TRE workplan, which includes:

1) Further action to investigate and identify the cause of toxicity
2) Actions the Permittee will take to mitigate the impact of the discharge and prevent the recurrence of toxicity
3) A schedule of these actions

iii. The Permittee may initiate a TIE as part of the TRE process to identify the cause(s) of toxicity. The permittee shall use the EPA acute and chronic manuals, EPA/600/6-91/005F(Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III) as guidance.

24. Pollutant Minimization Program.

The Permittee shall, as required by the Executive Officer, prepare a Pollutant Minimization Program in accordance with the 2001 Ocean Plan when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

25. Reopener

The Regional Water Board may modify or revoke and reissue this Order and Permit if present or future investigations demonstrate that the Permittee governed by this Order is causing, or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on April 20, 2005.

_____

Catherine E. Kuhlman
Executive Officer

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