

California Regional Water Quality Control Board North Coast Region



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Linda S. Adams
*Secretary for
Environmental
Protection*

**ORDER NO. R1-2008-0063
NPDES NO. CA0024481
WDID NO. 1B820220SON**

**Arnold
Schwarzenegger**
Governor

WASTE DISCHARGE REQUIREMENTS FOR OCEAN FARMS, INC. BODEGA FARMS

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

Table 1. Discharger Information

Discharger	Ocean Farms, Inc.
Name of Facility	Bodega Farms
Facility Address	2000 Estero Lane
	Bodega Bay, CA 94923
	Sonoma County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharges by Ocean Farms, Inc. Bodega Farms from the discharge point identified below are subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Abalone rearing tank wastewater	38° 17' 59" N	123° 00' 15" W	Pacific Ocean (Bodega Bay)

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	July 24, 2008
This Order shall become effective on:	September 12, 2008
This Order shall expire on:	July 24, 2013
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	January 24, 2013

I, Catherine Kuhlman, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on July 24, 2008.

Catherine Kuhlman, Executive Officer

Draft

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I. FACILITY INFORMATION

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

Table 4. Facility Information

Discharger	Ocean Farms, Inc.
Name of Facility	Bodega Farms
Facility Address	2000 Estero Lane
	Bodega Bay, CA 94923
	Sonoma County
Facility Contact, Title, and Phone	H. Roy Gordon, President, (415) 595-0833
Mailing Address	P.O. Box 6886, San Rafael, CA 94903
Type of Facility	Concentrated Aquatic Animal Production Facility
Facility Design Flow	0.45 mgd (maximum daily discharge rate)

II. FINDINGS

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

A. Background. Ocean Farms Inc. (hereinafter the Discharger) is currently discharging pursuant to Order No. 98-22 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0024481. The Discharger submitted a Report of Waste Discharge, dated February 11, 2004, which was updated with a letter dated November 15, 2007, and applied for an NPDES permit renewal to discharge up to 0.45 mgd of once-through red abalone rearing tank wastewater from Bodega Farms. The application was deemed complete on December 11, 2007.

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

B. Facility Description. The Discharger owns and operates Bodega Farms, a red abalone rearing facility. Seawater is pumped from the Estero Americano, a coastal estuary, during flood tide through a screen to a holding tank, where it is pumped uphill to additional holding tanks. Seawater is filtered through multiple cartridge filters prior to discharge into fiberglass raceways. Abalone larvae, or seeds, are settled out of the current in raceways or in a nursery onto fiberglass wavy plates, where they are grown out. The juvenile seeds feed from natural occurring diatoms in the intake water when small, and then as they grow larger, are fed brown kelp at a rate of 16,000 pounds of kelp per month at full operation. The facility anticipates a maximum harvestable weight of 11,600 pounds per year and a maximum weight at any one time of 15,000 pounds. Because the facility only produces 11,600 pounds per year, the facility does not fall under the concentrated aquatic animal production category as defined in Appendix C to 40 CFR Part 122.

During brief periods when the Estero Americano is closed from tidal action by the formation of a sandbar, seawater is re-circulated through the system, and cartridge, stripper, ultraviolet (U.V.), and biological filters are used with aeration to minimize suspended solids and organic material in the recirculated water. Once-through rearing tank wastewater is discharged at Discharge Point 001 to Bodega Bay, waters of the United States. Any waste that is created during abalone processing (abalone viscera) is not discharged with wastewater, but rather is currently bagged and sold as bait to fishermen.

Attachment B provides a map of the area around the facility. Attachment C provides a flow schematic of the facility.

C. Legal Authorities. This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 - 21177.
- F. Technology-Based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations¹, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with Part 125, section 125.3. Technology-based requirements for concentrated aquatic animal production facilities at 40 CFR 451 apply to facilities that produce 100,000 pounds or more of aquatic animals per year. Although not directly applicable to this Discharger, the requirements within Part 451 for a best management practices plan are also applied here, through the application of BPJ. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet.
- G. Water Quality-Based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

- H. Water Quality Control Plans.** The Regional Water Board adopted a *Water Quality Control Plan for the North Coast Region* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for the Pacific Ocean and other receiving waters

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

addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to receiving waters of discharges from Bodega Farms are described in Table 5, below.

Table 5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water	Beneficial Use(s)
001	Pacific Ocean (Bodega Bay)	Existing: <ul style="list-style-type: none"> • Municipal and Domestic Supply (MUN) • Agricultural Supply (AGR) • Industrial Service Supply (IND) • Groundwater Recharge (GWR) • Navigation (NAV) • Water Contact Recreation (REC-1) • Non-Contact Water Recreation (REC-2) • Commercial and Sport Fishing (COMM) • Cold Freshwater Habitat (COLD) • Wildlife Habitat (WILD) • Rare, Threatened or Endangered Species (RARE) • Marine Habitat (MAR) • Migration of Aquatic Organisms (MIGR) • Spawning, Reproduction, and/or Early Development (SPWN) • Estuarine Habitat (EST) Potential: <ul style="list-style-type: none"> • Industrial Process Supply (PRO) • Shellfish Harvesting (SHELL) • Aquaculture (AQUA)

Requirements of this Order implement the Basin Plan.

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

- I. **California Ocean Plan.** The State Water Board adopted the *Water Quality Control Plan for Ocean Waters of California*, California Ocean Plan (Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, and 2005. The State Water Board adopted the latest amendment on April 21, 2005 and it became effective on February 14, 2006. The Ocean Plan is applicable, in its entirety, to point source discharges to the Pacific Ocean. The Ocean Plan identifies the beneficial uses of ocean waters of the State to be protected as summarized below:

Table 6. Receiving Water Beneficial Uses Established by the Ocean Plan

Discharge Point	Receiving Water	Beneficial Uses
001	Pacific Ocean (Bodega Bay)	<ul style="list-style-type: none"> • Water Contact and Non-Contact Recreation, including Aesthetic Enjoyment • Navigation • Commercial and Sport Fishing • Rare and Endangered Species • Marine Habitat • Shellfish Harvesting • Mariculture • Fish Migration • Fish Spawning • Preservation of Designated Areas of Special Biological Significance (ASBS)

In order to protect the beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan.

- J. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.
- K. Stringency of Requirements for Individual Pollutants.** This Order contains technology-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on grease and oil; suspended solids; settleable solids; turbidity and pH, and are discussed in Section IV.B of the Fact Sheet. In addition, the requirements at 40 CFR 451 for a best management practices plan are applied here, using BPJ. This Order’s technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.
- Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.
- L. Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board’s Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16.

- M. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- N. Endangered Species Act.** This Order does not authorize any act that can result in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
- O. Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- P. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.
- Q. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsection IV. B of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- R. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- S. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

THEREFORE, IT IS HEREBY ORDERED, that this Order supercedes Order No. 98-22 except for enforcement purposes, and, in order to meet the provisions contained in division

7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A. The discharge of any waste not disclosed by the Discharger or not within the reasonable contemplation of the Regional Water Board is prohibited.
- B. The discharge of any waste at any point not described in Finding II.B is prohibited.
- C. The discharge of waste to land that is not under the control of permittee is prohibited, except as authorized under VI.C.6.a. (Solids Disposal).
- D. The discharge of detectable levels of chemicals used for the treatment and control of disease is prohibited.
- E. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411].
- F. The discharge of processing wastes and wastewater is prohibited.
- G. The discharge of waste resulting from cleaning activities is prohibited.
- H. The rate of discharge shall not exceed 450,000 gallons per day.
- I. The discharge of exotic organisms (non-endemic, non-naturalized plants, animals, and microorganisms, including gametes, spores, larvae, and parts of such organisms) is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

- 1. Final Effluent Limitations – Discharge Point 001
 - a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached Monitoring and Reporting Program (MRP).

Table 7. Effluent Limitations – Ocean Plan Table A

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Grease and Oil	mg/L	25	40	75
	lbs/day ^[a]	94	150	280
Suspended Solids ^[a]	mg/L	8	---	15
	lbs/day ^[a]	30	---	56
Settleable Solids ^[a]	mL/L-hr	1.0	---	3.0

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Turbidity	NTUs	75	100	225
Hydrogen Ion	pH Units	Not less than 7.0 nor greater than 8.5		

^[a] This limitation represents an allowable incremental increase above the concentration present in the influent water. The concentration of constituents in the influent shall be subtracted from the final concentration for the purpose of applying this effluent limitation.

2. Interim Effluent Limitations

Not Applicable.

B. Land Discharge Specifications

Except as provided by Section IV.C.6.a (Solids Disposal), discharges to land are not authorized by this Order.

C. Reclamation Specifications

Not Applicable.

D. Storm Water Specifications

If applicable, the Discharger shall seek coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Associated with Industrial Activities Excluding Construction Activities (General Permit No. CAS000001.)

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

The following receiving water limitations are based on water quality objectives established by the Ocean Plan and Basin Plan, and are a required part of this Order. The discharge of waste shall not cause the following water quality objectives to be violated upon completion of initial dilution:

Ocean Plan

1. Bacterial Characteristics

a. Body Contact Standards

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 designated for water contact recreation use by the Regional Water Board, but including all kelp beds, the following bacteriological objectives shall be maintained throughout the water column.

30-Day Geometric Mean – The following standards are based on the geometric mean of the five most recent samples from each receiving water monitoring location.

- i. Total coliform density shall not exceed 1,000 per 100 mL
- ii. Fecal coliform density shall not exceed 200 per 100 mL; and
- iii. Enterococcus density shall not exceed 35 per 100 mL.

Single Sample maximum;

- i. Total coliform density shall not exceed 10,000 per 100 mL;
- ii. Fecal coliform density shall not exceed 400 per 100 mL; and
- iii. Enterococcus density shall not exceed 104 per 100 mL.
- iv. Total coliform density shall not exceed 1,000 per 100 mL when the fecal coliform to total coliform ratio exceeds 0.1

b. Shellfish Harvesting Standards

At all areas where shellfish may be harvested for human consumption, as determined by the Regional Water Board, the following bacteriological objectives shall be maintained throughout the water column:

- i. The median total coliform density shall not exceed 70 organisms per 100 mL, and in not more than 10 percent of samples shall coliform density exceed 230 organisms 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 and the characteristics of inert solids in 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 10 percent from that which occurs naturally as a result of the discharge of oxygen demanding waste material.

- 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 Chapter IV, Table B of the 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 levels shall not cause objectionable aquatic growths or degrade indigenous biota.
 - g. Discharges shall not cause exceedances of water quality objectives for ocean waters of the State established in Table B of the Ocean Plan.
 - h. Discharge of radioactive waste shall not degrade marine life.
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 the receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act and regulations adopted thereunder.
 - b. The discharge 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. Material that results in aesthetically undesirable discoloration of the ocean surface.
- c. Waste effluent shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in the treatment.
- d. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:
 - 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.
 - iv. The discharge does not adversely affect recreational beneficial uses such as surfing and beach walking.

Basin Plan

6. Basin Plan Table 3-1 Water Quality Objectives for Bodega Bay

- a. The dissolved oxygen levels shall not fall below a lower limit of 6.0 mg/L; a 90 percentile lower limit of 6.2 mg/L; or a 50 percentile lower limit of 7.0 mg/L.
- b. The pH shall be between 7 and 8.5.

B. Groundwater Limitations

Not Applicable.

VI. PROVISIONS

A. Standard Provisions

- 1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
- 2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions.
 - a. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may

subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

- b. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, interim or final effluent limitation, reclamation specification, or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board orally² within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the normal monitoring report.
- c. Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Water Code section 1211.)

B. Monitoring and Reporting Program (MRP) Requirements

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

C. Special Provisions

1. Reopener Provisions

- a. **Standard Revisions.** If applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board may reopen this Order and make modifications in accordance with such revised standards.
- b. **Reasonable Potential.** This Order may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above an Ocean Plan Table B water quality objective.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Toxicity Reduction Requirements

² Oral notification to Regional Water Board Staff shall take place in person or by phone. After business hours, oral contact must be made by contacting the State Department of Emergency Services at (800) 852-7550 or the Regional Water Board spill officer at (707) 576-2220.

- i. **Whole Effluent Toxicity.** The Monitoring and Reporting Program (MRP) of this Order requires routine monitoring for whole effluent chronic toxicity at Monitoring Location EFF-001 to determine compliance with the Ocean Plan's water quality objective for chronic toxicity. As established by the MRP, if the chronic toxicity is measured above the water quality objective of 1 TUc, the Discharger shall conduct accelerated monitoring. Results of accelerated toxicity monitoring will indicate a need to conduct a Toxicity Reduction Evaluation (TRE), if toxicity persists; or it will indicate that a return to routine toxicity monitoring is justified because persistent toxicity has not been identified by accelerated monitoring. TREs shall be conducted in accordance with the TRE workplan prepared by the Discharger pursuant to Section VI.C.2.a.ii. of this Order, below.
- ii. **Toxicity Reduction Evaluations (TRE) Workplan.** The Discharger shall prepare and submit to the Regional Water Board Executive Officer a TRE workplan by **March 13, 2009**. This plan shall be reviewed and updated as necessary in order to remain current and applicable to the discharge and discharge facilities. The workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include at least the following items:
 - (a) A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
 - (b) A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices.
 - (c) If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).
- iii. **Toxicity Reduction Evaluations (TRE).** The TRE shall be conducted in accordance with the following:
 - (a) The TRE shall be initiated within 30 days of the date of completion of the accelerated monitoring test, required by Section V of the MRP, observed to exceed the chronic toxicity "trigger."
 - (b) The TRE shall be conducted in accordance with the Discharger's workplan.
 - (c) The TRE shall be in accordance with current technical guidance and reference material including, at a minimum, the USEPA manual EPA/833B-99/002.
 - (d) The TRE may end at any stage if, through monitoring results, it is determined that there is no longer consistent toxicity.

- (e) The Discharger may initiate a TIE as part of the TRE process to identify the cause(s) of toxicity. As guidance, the Discharger shall use the USEPA 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).
- (f) As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the source(s) and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with acute toxicity parameters.
- (g) Many recommended TRE elements accompany required efforts of source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of complying with requirements of recommendations of such programs may be acceptable to comply with requirements of the TRE.
- (h) The Regional Water Board recognizes that chronic toxicity may be episodic and identification of a reduction of sources of toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Discharger's actions and efforts to identify and control or reduce sources of consistent toxicity.

3. Best Management Practices and Pollution Prevention

a. Best Management Practices

- i. The Discharger shall develop and maintain a Best Management Practices (BMP) Plan which describes how they will meet the goals and requirements established below. The BMP Plan shall ensure that the following objectives are met.
 - (1) The number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the extent feasible by appropriately managing each waste stream.
 - (2) Each facility system shall be examined for its potential to cause a release of pollutants and opportunities to minimize waste. The examination shall include all normal facility operations, including, but not limited to: structural maintenance, cleaning, feed management, transfer and importation of species, removal of mortalities, storage and handling of raw material, disposal of solid waste, employee training, and recordkeeping.
- ii. The BMP Plan shall establish and document specific BMPs and operating procedures to attain the objectives specified above and shall follow the general guidance contained in the *Guidance Manual for Developing Best Management Practices* (USEPA, 1993). The BMP Plan shall include a

statement of BMP policy and describe, at a minimum, feeding procedures, cleaning and maintenance procedures, schedules of activities, prohibited practices, treatment methods, and employee training.

- iii. The Discharger shall amend the BMP Plan whenever there is a change in the facility or in its operation which increases the generation of pollutants or their discharge to receiving waters. Revision dates and summaries of revisions shall be documented in the BMP Plan.
- iv. The Discharger shall maintain a copy of their BMP Plan at the facility and shall make the Plan available to the Executive Officer or representatives thereof upon request.
- v. The Discharger shall include in the BMP Plan and implement the applicable BMPs, below.

Solids Control.

1. The Discharger shall employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth to minimize potential discharges of uneaten feed and waste products to waters of the U.S.
2. The Discharger shall identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize discharges of accumulated solids during inventorying, grading, and harvesting in the production system.
3. The Discharger shall remove and dispose of mortalities properly on a regular basis to prevent discharge to waters of the U.S., except where the permitting authority authorizes such discharge.

Materials Storage

1. The Discharger shall ensure proper storage of drugs, pesticides, and feed to prevent spills that may result in discharges to waters of the U.S.
2. The Discharger shall implement procedures for properly containing, cleaning, and disposing of any spilled material.

Structural Maintenance

1. The Discharger shall inspect abalone production and wastewater treatment systems on a routine basis to identify and promptly repair damage.
2. The Discharger shall conduct regular maintenance of abalone production and wastewater treatment systems to ensure their proper function.

Recordkeeping

1. The Discharger shall maintain records that document feed amounts and the numbers and weight of aquatic animals.
2. The Discharger shall keep records documenting the frequency of cleaning, inspections, maintenance, and repairs.

Training

1. The Discharger shall train facility personnel in spill prevention and spill response.
2. The Discharger shall train staff regarding proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and equipment use.

b. Pollutant Minimization Program

The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as "Detected, but Not Quantified" (DNQ) when the effluent limitation is less than the Method Detection Limit (MDL), sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a pollutant is present in the effluent above an effluent limitation and either:

- i. The concentration of the pollutant is reported as DNQ and the effluent limitation is less than the reported Minimum Level (ML);
- ii. The concentration of the pollutant is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP section X.B.4.

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

- i. An annual review and semi-annual monitoring of potential sources of the reportable pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- ii. Quarterly monitoring for the reportable pollutant(s) in the influent to the wastewater treatment system;
- iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant(s) in the effluent at or below the effluent limitation;

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

4. Construction, Operation and Maintenance Specifications

Not Applicable.

5. Special Provisions for Municipal Facilities (POTWs Only)

Not Applicable.

6. Other Special Provisions

- a. **Solids Disposal.** Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 23, division 3, chapter 15 of the California Code of Regulations.

7. Compliance Schedules

This Order does not establish interim effluent limitations and schedules of compliance with final numeric effluent limitations.

VII. COMPLIANCE DETERMINATION

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

A. General.

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

B. Multiple Sample Data.

When determining compliance with an Average Monthly Effluent Limitation (AMEL), Average Weekly Effluent Limitation (AWEL), or Maximum Daily Effluent Limitation (MDEL) for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

C. Average Monthly Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

D. Average Weekly Effluent Limitation (AWEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar week exceeds the AWEL for a given parameter, this will represent a single violation, though the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

E. Maximum Daily Effluent Limitation (MDEL).

If a daily discharge (or when applicable, the median determined by subsection B above for multiple sample data of a daily discharge) exceeds the MDEL for a given parameter, the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

F. Instantaneous Minimum Effluent Limitation.

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

G. Instantaneous Maximum Effluent Limitation.

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

ATTACHMENT A – DEFINITIONS

Acute Toxicity

- a. Acute Toxicity (TUa)

Expressed in Toxic Units Acute (TUa)

$$TUa = \frac{100}{96\text{-hr LC } 50\%}$$

- b. Lethal Concentration 50% (LC 50)

LC 50 (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in Ocean Plan Appendix III. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substances.

When it is not possible to measure the 96-hour LC 50 due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

$$TUa = \frac{\log(100 - S)}{1.7}$$

where:

S = percentage survival in 100% waste. If S > 99, TUa shall be reported as zero.

Areas of Special Biological Significance (ASBS)

Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of STATE WATER QUALITY PROTECTION AREAS.

Average Monthly Effluent Limitation (AMEL)

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL)

The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Chlordane

Shall mean the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

Chronic Toxicity

This parameter shall be used to measure the acceptability of waters for supporting a healthy marine biota until improved methods are developed to evaluate biological response.

a. Chronic Toxicity (TUc)

Expressed as Toxic Units Chronic (TUc)

$$\text{TUc} = \frac{100}{\text{NOEL}}$$

b. No Observed Effect Level (NOEL)

The NOEL is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed in Ocean Plan Appendix II.

Daily Discharge

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

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

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

DDT

Shall mean the sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 2,4'DDE, 4,4'DDD, and 2,4'DDD.

Degrade

Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish,

benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)

Sample results that are less than the reported Minimum Level, but greater than or equal to the laboratory's MDL.

Dichlorobenzenes

Shall mean the sum of 1,2- and 1,3-dichlorobenzene.

Downstream Ocean Waters

Waters downstream with respect to ocean currents.

Dredged Material

Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil".

Enclosed Bays

Indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes but is not limited to: Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Morro Bay, Los Angeles Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.

Endosulfan

The sum of endosulfan-alpha and -beta and endosulfan sulfate.

Estuaries and Coastal Lagoons

Waters at the mouths of streams that serve as mixing zones for fresh and ocean waters during a major portion of the year. Mouths of streams that are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open ocean to the upstream limit of tidal action but may be considered to extend seaward if significant mixing of fresh and salt water occurs in the open coastal waters. The waters described by this definition include but are not limited to the Sacramento-San Joaquin Delta as defined by Section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

Halomethanes

The sum of bromoform, bromomethane (methyl bromide) and chloromethane (methyl chloride).

HCH

The sum of the alpha, beta, gamma (lindane) and delta isomers of hexachlorocyclohexane.

Initial Dilution

The process that results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.

For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and non-buoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the Regional Board, whichever results in the lower estimate for initial dilution.

Instantaneous Maximum Effluent Limitation

The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation

The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Kelp Beds

For purposes of the bacteriological standards of the Ocean Plan, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

Mariculture

The culture of plants and animals in marine waters independent of any pollution source.

Material

(a) In common usage: (1) the substance or substances of which a thing is made or composed (2) substantial; (b) For purposes of the Ocean Plan relating to waste disposal, dredging and the disposal of dredged material and fill, MATERIAL means matter of any kind or description which is subject to regulation as waste, or any material dredged from the navigable waters of the United States. See also, DREDGED MATERIAL.

Maximum Daily Effluent Limitation (MDEL)

The highest allowable daily discharge of a pollutant.

Method Detection Limit (MDL)

The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B.

Minimum Level (ML)

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

Natural Light

Reduction of natural light may be determined by the Regional Water Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Water Board.

Not Detected (ND)

Those sample results less than the laboratory's MDL.

Ocean Waters

The territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. If a discharge outside the territorial waters of the state could affect the quality of the waters of the state, the discharge may be regulated to assure no violation of the Ocean Plan will occur in ocean waters.

PAHs (polynuclear aromatic hydrocarbons)

The sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene and pyrene.

PCBs (polychlorinated biphenyls)

The sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254 and Aroclor-1260.

Pollutant Minimization Program (PMP)

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

completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Reported Minimum Level

The ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix II of the Ocean Plan in accordance with section III.C.5.a. of the Ocean Plan or established in accordance with section III.C.5.b. of the Ocean Plan. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the reported ML.

Satellite Collection System

The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Shellfish

Organisms identified by the California Department of Health Services as shellfish for public health purposes (i.e., mussels, clams and oysters).

Significant Difference

Defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

Six-Month Median Effluent Limitation

The highest allowable moving median of all daily discharges for any 180-day period.

State Water Quality Protection Areas (SWQPAs)

Non-terrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. All AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) that were previously designated by the State Water Board in Resolution No.s 74-28, 74-32, and 75-61 are now also classified as a subset of State Water Quality Protection Areas and require special protections afforded by the Ocean Plan.

TCDD Equivalents

The sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below.

Isomer Group	Toxicity Equivalence Factor
2,3,7,8-tetra CDD	1.0
2,3,7,8-penta CDD	0.5
2,3,7,8-hexa CDDs	0.1
2,3,7,8-hepta CDD	0.01
octa CDD	0.001
2,3,7,8 tetra CDF	0.1
1,2,3,7,8 penta CDF	0.05
2,3,4,7,8 penta CDF	0.5
2,3,7,8 hexa CDFs	0.1
2,3,7,8 hepta CDFs	0.01
octa CDF	0.001

Toxicity Reduction Evaluation (TRE)

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

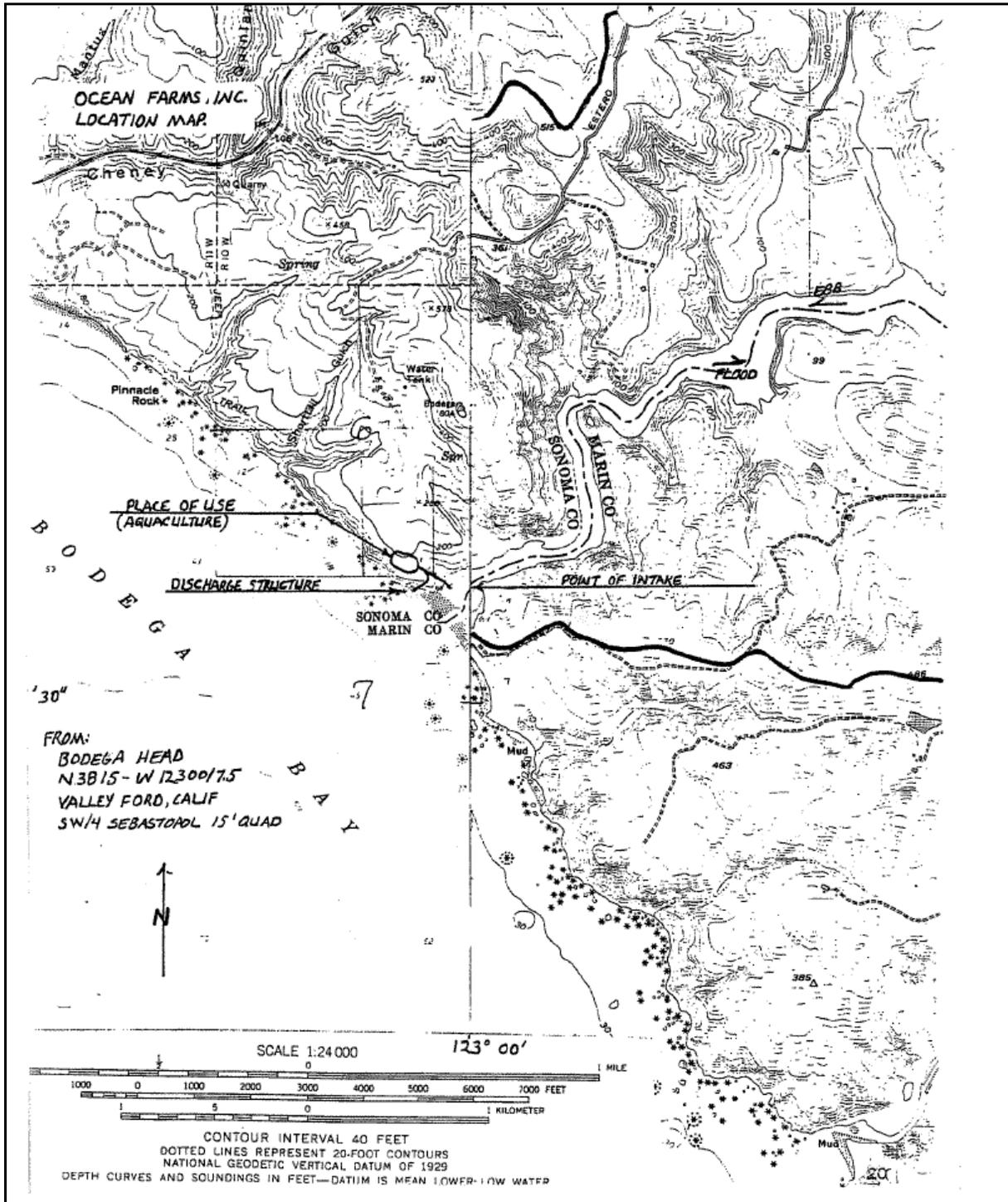
Waste

As used in the Ocean Plan, waste includes a Discharger's total discharge, of whatever origin, i.e., gross, not net, discharge.

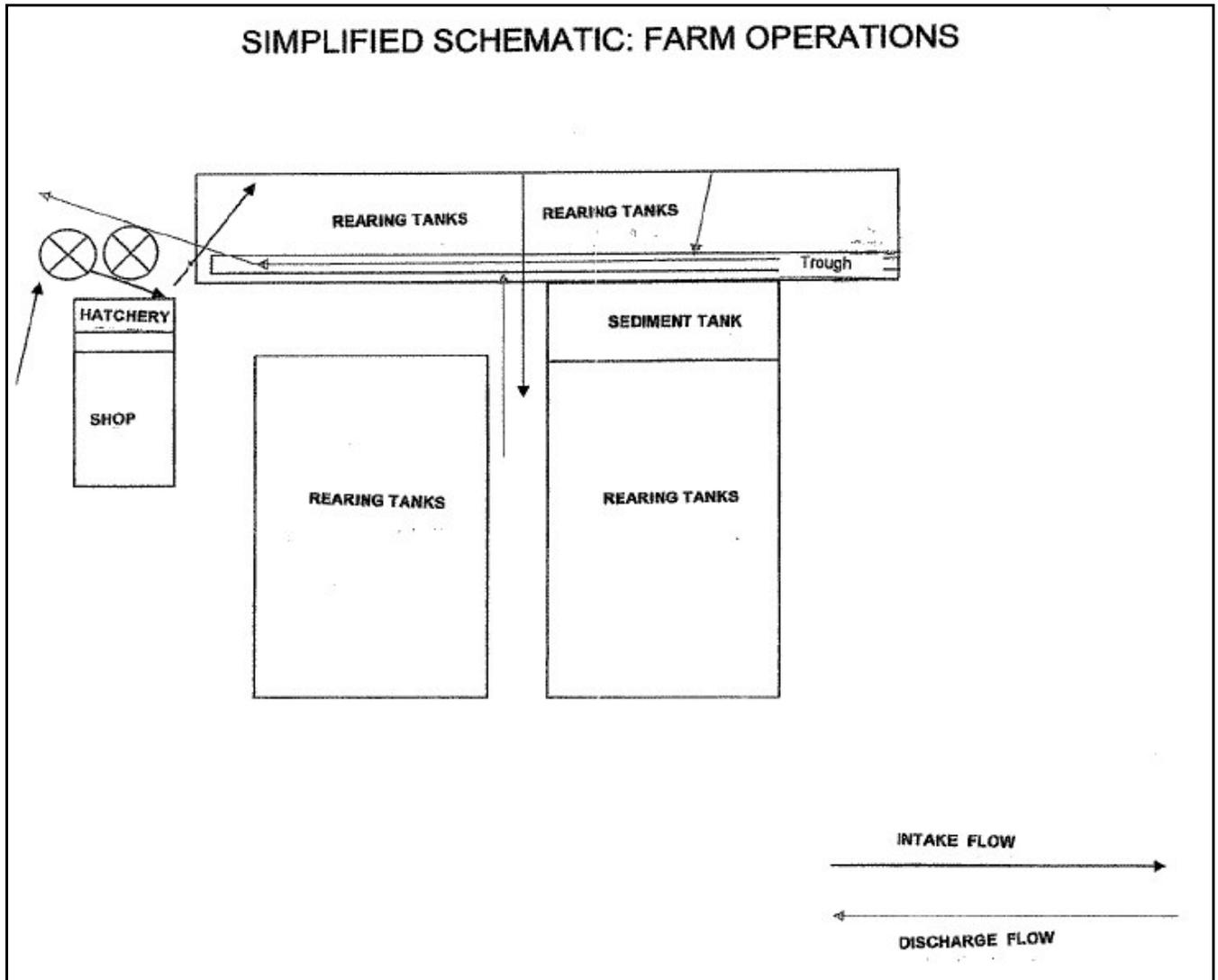
Water Reclamation

The treatment of wastewater to render it suitable for reuse, the transportation of treated wastewater to the place of use, and the actual use of treated wastewater for a direct beneficial use or controlled use that would not otherwise occur.

ATTACHMENT B – MAP



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

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

B. Need to Halt or Reduce Activity Not a Defense

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

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

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

E. Property Rights

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

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

F. Inspection and Entry

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

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

G. Bypass

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

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

H. Upset

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

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

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

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

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

B. Duty to Reapply

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

C. Transfers

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

III. STANDARD PROVISIONS – MONITORING

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

IV. STANDARD PROVISIONS – RECORDS

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

B. Records of monitoring information shall include:

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

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

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

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

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

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)
2. All permit applications shall be signed by a responsible corporate officer. For purposes of this provision, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 C.F.R. § 122.22(a)(1).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative

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

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

C. Monitoring Reports

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

D. Compliance Schedules

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

E. Twenty-Four Hour Reporting

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

F. Planned Changes

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under section 122.42(a)(1) (see Additional Provisions – Notification Levels VII.A.1). (40 C.F.R. § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the

application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R. § 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

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

H. Other Noncompliance

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

I. Other Information

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

VI. STANDARD PROVISIONS – ENFORCEMENT

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

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

- 1.** That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(1)):
 - a.** 100 micrograms per liter ($\mu\text{g/L}$) (40 C.F.R. § 122.42(a)(1)(i));
 - b.** 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

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

I. GENERAL MONITORING PROVISIONS

A. Wastewater Monitoring Provision.

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in Order No. R1-2008-0063 or in this monitoring and reporting program and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of this Regional Board.
2. Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved under Title 40, United States Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures are specified in Order No. R1-2008-0063 and/or in this Monitoring and Reporting Program and/or by this Regional Board.
3. If the discharger monitors any pollutant more frequently than required by Order No. R1-2008-0063 or by this monitoring and reporting program, using test procedures approved under 40 CFR Part 136, or as specified in Order No. R1-2008-0063 or this Monitoring and Reporting Program or by this Regional Board, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.
5. Laboratories analyzing monitoring samples shall be certified by the Department of Health Services, in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports.
6. Monitoring results shall be reported at intervals and in a manner specified in Order No. R1-2008-0063 or in this Monitoring and Reporting Program.
7. This monitoring program may be modified by this Regional Board, as appropriate.

8. Composite samples may be taken by a proportional sampling device approved by the Executive Officer or by grab samples composites. In compositing grab samples, the sampling interval shall not exceed two hours.

II. MONITORING LOCATIONS

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

Table E-1. Monitoring Station Locations

Discharge Point	Monitoring Location	Monitoring Location Description
---	INF-001	A location where representative samples of seawater can be collected prior to its introduction to the rearing tank system.
001	EFF-001	A location where representative samples of discharges from the rearing tank system can be collected, following all contributions to and treatments of the waste stream but prior to contact with the receiving water.

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location INF-001

1. The Discharger shall monitor intake seawater to the rearing tank system at Monitoring Location INF-001 as follows.

Table E-2. Seawater Intake Monitoring ^[1]

Parameter	Units	Sample Type	Sampling Frequency	Required Analytical Test Method
Suspended Solids	mg/L	Composite ^[2]	Weekly	Standard Methods
Settleable Solids	mL/L-hr	Composite	Weekly	Standard Methods
Hydrogen Ion	pH Units	Grab	Weekly	Standard Methods

^[1] Monitoring of intake water shall occur near simultaneously with monitoring of the discharge from the seawater system at Monitoring Location EFF-001.

^[2] Composite samples for non-Ocean Plan Table B parameters may be taken by a proportional sampling device approved by the Executive Officer or by grab sample composites. In compositing grab samples, the sampling interval shall not exceed two hours. A grab sample is defined as an individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes. Grab samples shall be collected over a shorter period if necessary to ensure that the parameter in the sample is the same as that at the sampling location at the time the sample is collected.

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location EFF-001

1. The Discharger shall monitor the discharge from the rearing tank system prior to contact with the receiving water at Monitoring Location EFF-001 as follows.

Table E-3. Effluent Monitoring, Monitoring Location EFF-001

Parameter	Units	Sample Type	Sampling Frequency	Required Analytical Test Method
Flow	mgd	Continuous	Continuous	Meter
Grease and Oil	mg/L	Composite ^[1]	Annually	Standard Methods
Suspended Solids	mg/L	Composite ^[1]	Weekly	Standard Methods
Settleable Solids	mL/L-hr	Composite ^[1]	Weekly	Standard Methods
Turbidity	NTUs	Composite ^[1]	Weekly	Standard Methods
Hydrogen Ion	pH Units.	Grab	Weekly	Standard Methods
Chronic Toxicity	TUc	Grab	Annually	MRP Section V
Ammonia	mg/L N	Composite ^[1]	Annually	EPA 4500
Ocean Plan Table B Pollutants ^[2]	µg/L	Composite ^[1]	3/5Y ^[3]	Standard Methods

^[1] Composite samples for non-Ocean Plan Table B parameters may be taken by a proportional sampling device approved by the Executive Officer or by grab sample composites. In compositing grab samples, the sampling interval shall not exceed two hours. A grab sample is defined as an individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes. Grab samples shall be collected over a shorter period if necessary to ensure that the parameter in the sample is the same as that at the sampling location at the time the sample is collected.

^[2] Those pollutants identified in Table B of the California Ocean Plan (2005), excluding Table B pollutants with specific monitoring requirements established by this table (E-5) and acute toxicity.

^[3] Monitoring shall occur during the first year of the permit term and every other year following thereafter.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The Discharger shall conduct chronic toxicity testing to determine compliance with the chronic toxicity effluent limitation, and shall meet the following chronic toxicity testing requirements.

A. Chronic Toxicity Testing

- Test Frequency.** The Discharger shall conduct annual chronic WET testing.
- Sample Type.** For 96-hour static renewal or 96-hour static non-renewal testing, effluent samples from Monitoring Location EFF-001 shall be grab samples.
- Test Species.** Critical life stage bioassay testing shall be conducted using an approved test, and test species, as described by Table III-1 of the Ocean Plan and presented below. Initial testing shall be conducted with a vertebrate, an invertebrate, and a plant species, and thereafter, monitoring can be reduced to the most sensitive species.

Table E-4. Approved Tests—Chronic Toxicity

Species	Test	Tier ¹	Reference ²
Giant kelp, <i>Macrocystis pyrifera</i>	percent germination; germ tube length	1	a, c
Red abalone, <i>Haliotis rufescens</i>	abnormal shell development	1	a, c
Oyster, <i>Crassostrea gigas</i> ; mussels, <i>Mytilus spp.</i>	abnormal shell development; percent survival	1	a, c

Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent normal development	1	a, c
Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent fertilization	1	a, c
Shrimp, <i>Homesimysis costata</i>	percent survival; growth	1	a, c
Shrimp, <i>Mysidopsis bahia</i>	percent survival; fecundity	2	b, d
Topsmelt, <i>Atherinops affinis</i>	larval growth rate; percent survival	1	a, c
Silverside, <i>Menidia beryllina</i>	larval growth rate; percent survival	2	b, d

^[1] First tier methods are preferred for compliance monitoring. If first tier organisms are not available, the Discharger can use a second tier test method following approval by the Regional Water Board.

^[2] Protocol References:

- a. Chapman, G.A., D.L. Denton, and J.M. Lazorchak. 1995. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms. U.S. EPA Report No. EPA/600/R-95/136.
- b. Klemm, D.J., G.E. Morrison, T.J. Norberg-King, W.J. Peltier, and M.A. Heber. 1994. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms. U.S. EPA Report No. EPA-600-4-91-003.
- c. SWRCB 1996. Procedures Manual for Conducting Toxicity Tests Developed by the Marine Bioassay Project. 96-1WQ.
- d. Weber, C.I., W.B. Horning, I.I., D.J. Klemm, T.W. Nieheisel, P.A. Lewis, E.L. Robinson, J. Menkedick and F. Kessler (eds). 1998. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-87/028. National Information Service, Springfield, VA.

4. **Test Methods.** The presence of chronic toxicity shall be estimated as specified in USEPA's Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms (USEPA Report No. EPA/600/R-95/136, or subsequent editions).
5. **Test Dilutions.** Chronic WET tests on effluent samples, collected at Monitoring Locations EFF-001, shall be conducted using dilutions of 6.25, 12.5, 25, 50, and 100 percent, and a control. Control and dilution water shall be either receiving water collected beyond the influence of the discharge or lab synthesized water. If the dilution water used is different from the culture water, a second control using culture water shall be used.
6. **Reference Toxicant.** If organisms are not cultured in-house, concurrent testing with a reference toxicant shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests also shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration, etc).
7. **Test Failure.** If either the reference toxicant test or the chronic toxicity test does not meet all test acceptability criteria, as specified in the test method, the Discharger shall re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.

8. **Accelerated Monitoring Requirements.** If the result of any chronic toxicity test exceeds the applicable chronic toxicity objective, or “trigger”, of 1.0 TUc and the testing meets all test acceptability criteria, the Discharger shall initiate accelerated monitoring. Accelerated monitoring shall consist of four additional samples – with one test conducted approximately every week over a four week period. Testing shall commence within 14 days of receipt of initial sample results which indicated an exceedance of the chronic toxicity effluent limitation. If the discharge will cease before the additional samples can be collected, the Discharger shall contact the Executive Officer within 21 days with a plan to address elevated levels of chronic toxicity in effluent and/or receiving water. The following protocol shall be used for accelerated monitoring and TRE implementation:
- a. If the results of four consecutive accelerated monitoring tests do not exceed the chronic toxicity “trigger” of 1.0 TUc, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring. However, if there is adequate evidence of a pattern of effluent toxicity, the Regional Water Board’s Executive Officer may require that the Discharger initiate a TRE.
 - b. If the source(s) of the toxicity is easily identified (i.e. temporary plant upset), the Discharger shall make necessary corrections to the facility and shall continue accelerated monitoring until four (4) consecutive accelerated tests do not exceed the chronic effluent limitation. Upon confirmation that the chronic toxicity has been removed, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring.
 - c. If the result of any accelerated toxicity test exceeds the chronic toxicity “trigger”, the Discharger shall cease accelerated monitoring and initiate a TRE to investigate the cause(s) and identify corrective actions to reduce or eliminate the chronic toxicity. Within thirty (30) days of notification by the laboratory of the test results exceeding the effluent limitation during accelerated monitoring, the Discharger shall submit a TRE Action Plan to the Regional Water Board including, at minimum:
 - (1) Specific actions the Discharger will take to investigate and identify the cause(s) of toxicity, including a TRE WET monitoring schedule;
 - (2) Specific actions the Discharger will take to mitigate the impact of the discharge and prevent the recurrence of toxicity; and
 - (3) A schedule for these actions.
9. **Notification.** The Discharger shall notify the Regional Water Board in writing 14 days after the receipt of test results, which indicate the exceedance of the “trigger” for chronic toxicity.

C. Chronic Toxicity Reporting

1. **Routine Reporting.** Test results for chronic WET tests shall be reported according to the appropriate chronic guidance manuals and this Monitoring and Reporting Program and shall be attached to the self-monitoring report. Test results shall include, at a minimum, for each test:
 - a. sample date(s)
 - b. test initiation date
 - c. test species
 - d. end point values for each dilution (e.g., number of young, growth rate, percent survival)
 - e. NOEC value(s) in percent effluent
 - f. IC15, IC25, IC40, and IC50 values (or EC15, EC25...etc.) in percent effluent
 - g. TUc values (100/NOEC)
 - h. Mean percent mortality (\pm s.d.) after 96 hours in 100 percent effluent (if applicable)
 - i. NOEC and LOEC values for reference toxicant test(s)
 - j. IC50 or EC50 value(s) for reference toxicant test(s)
 - k. Available water quality measurements for each test (e.g., pH, DO, temperature, conductivity, hardness, salinity, ammonia)
 - l. Statistical methods used to calculate endpoints.
2. **Compliance Summary:** The results of the chronic toxicity testing shall be provided in the most recent self-monitoring report and shall include a summary table organized by test species, type of test (survival, growth or reproduction) and monitoring frequency (routine, accelerated or TRE) of toxicity data from at least three of the most recent samples. The final report shall clearly demonstrate that the Discharger is in compliance with Ocean Plan water quality objectives and other permit requirements.

VI. LAND DISCHARGE MONITORING REQUIREMENTS

Not Applicable.

VII. RECLAMATION MONITORING REQUIREMENTS

Not Applicable.

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER

Not Applicable.

IX. OTHER MONITORING REQUIREMENTS

A. Chemical and Drug Use

The Discharger shall report annually on chemicals and drugs used for disease control, disinfection, and health maintenance at the facility with sufficient information to determine compliance with Discharge Prohibition III. D. Reporting shall include the following information.

1. Product name, active ingredients, and reasons for use;
2. Duration of treatment and method of application (batch or continuous);
3. The location where treatment was applied and volume of water that received treatment;
4. Application rates of products,
5. The amount of medicated feed used, including active medicinal ingredients; and
6. The fate of chemicals and drugs (e.g., discharged, transported off-site, etc.)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

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

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections III through IX. The Discharger shall submit monthly and annual summary SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. If the Discharger monitors any pollutant more frequently than required by this Order, the

results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.

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

Table E-5. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	September 12, 2008	All	First day of second calendar month following month of sampling
Daily	September 12, 2008	Midnight through 11:59 PM or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	First day of second calendar month following month of sampling
Weekly	September 14, 2008	Sunday through Saturday	First day of second calendar month following month of sampling
Monthly	October 1, 2008	1st day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
Twice Annually	September 12, 2008	January 1 through June 30 July 1 through December 31	August 1 February 1
Annually	September 12, 2008	January 1 through December 31	March 1
1X / Order Term	September 12, 2008	January 1 through December 31	January 24, 2013

4. Reporting Protocols. The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

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

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

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

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
 - d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from *extrapolation* beyond the lowest point of the calibration curve.
5. The Discharger shall submit SMRs in accordance with the following requirements:
- a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The reported data shall include calculation of all effluent limitations that require averaging, taking of a median or other computation. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment. During periods of land discharge, the reports shall certify "land discharge".
 - b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify:
 - (1) Facility name
 - (2) WDID number
 - (3) Applicable period of monitoring and reporting
 - (4) Violations of the WDRs (identified violations must include a description of the requirement that was violated and a description of the violation)
 - (5) Corrective actions taken or planned; and
 - (6) The proposed time schedule for corrective actions.
 - c. SMRs must be submitted to the Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

**North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403**

C. Discharge Monitoring Reports (DMRs)

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit

SMRs that will satisfy federal requirements for submittal of Discharge Monitoring Reports (DMRs). Until such notification is given, the Discharger shall submit DMRs in accordance with the requirements described below.

2. DMRs must be signed and certified as required by the standard provisions (Attachment D). The Discharge shall submit the original DMR and one copy of the DMR to the address listed below:

Standard Mail	FedEx/UPS/ Other Private Carriers
State Water Resources Control Board Division of Water Quality c/o DMR Processing Center PO Box 100 Sacramento, CA 95812-1000	State Water Resources Control Board Division of Water Quality c/o DMR Processing Center 1001 I Street, 15 th Floor Sacramento, CA 95814

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

D. Other Reports

1. The Discharger shall report the results of any special studies required by Special Provisions VI. C. 2. a. of this Order.
2. Annual Report. The Discharger shall submit an Annual Report to the Regional Water Board for each calendar year. The report shall be submitted by March 1 of the following year. The report shall, at a minimum, include the following.
 - a. Both tabular and, where appropriate, graphical summaries of the monitoring data and disposal records from the previous year. If the Discharger 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 report of the data submitted SMR.
 - b. A comprehensive discussion of the facility’s compliance (or lack thereof) with all effluent limitations and other WDRs, and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the Order.

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ATTACHMENT F – FACT SHEET

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

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

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	1B820220SON
Discharger	Ocean Farms, Inc.
Name of Facility	Bodega Farms
Facility Address	2000 Estero Lane
	Bodega Bay, CA 94923
	Sonoma County
Facility Contact, Title and Phone	H. Roy Gordon, President, (415) 595-0833
Authorized Person to Sign and Submit Reports	SAME
Mailing Address	P.O Box 6886, San Rafael, CA 94903
Billing Address	SAME
Type of Facility	Concentrated Aquatic Animal Production Facility
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	C
Pretreatment Program	NO
Reclamation Requirements	NO
Facility Permitted Flow	0.45 million gallons per day (mgd) (maximum daily discharge rate)
Facility Design Flow	0.43 mgd (maximum projected 30 day average discharge rate)
Watershed	Bodega Bay
Receiving Water	Pacific Ocean
Receiving Water Type	Marine

- A. Ocean Farms, Inc. (hereinafter Discharger) is the owner and operator of Bodega Farms, an abalone rearing facility. For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.
- B. Bodega Farms discharges once through rearing tank effluent to the Pacific Ocean, a water of the United States, and is currently regulated by Order No. 98-22, which was adopted on March 26, 1998 and expired on March 25, 2003. The terms and conditions of the

current Order have been automatically continued and remain in effect until new Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) permit are adopted pursuant to this Order.

- C. The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and NPDES permit dated February 11, 2004, with additional application information provided with a letter dated November 15, 2007.

II. FACILITY DESCRIPTION

The Discharger owns and operates Bodega Farms, a red abalone rearing facility. The facility falls under the concentrated aquatic animal production category as defined in Appendix C to 40 CFR Part 122. Seawater is pumped from the Estero Americano during flood tide through a screen to a holding tank, where it is pumped uphill to additional holding tanks. The intake water is filtered through multiple cartridge filters prior to discharge into fiberglass raceway tanks for aquaculture of abalone. Abalone larvae are settled out in the raceway tanks or in a nursery. The facility utilizes twenty 16' x 4' x 1.5' tanks, five 16' x 4' x 2.5' tanks, forty-eight 10' x 2' x 5' tanks, seven 3' x 10' x 2' brood tanks, four 40' x 1' circular tanks, and one 40' x 4' circular sediment tank.

Juvenile abalone seeds are grown out on fiberglass wavy plates and feed on natural occurring diatoms in the intake water when small, and are fed brown kelp as they grow larger, at a rate of 16,000 pounds of kelp per month at full operation. The facility anticipates a maximum harvestable weight of 11,600 pounds per year and a maximum weight at any one time of 15,000 pounds. All flows leaving the raceways and tanks are plumbed to a trough. The trough contains a series of two barrels and three baffles which detain the majority of the particulate found in daily flows. The once-through rearing tank wastewater is discharged at Discharge Point 001 to the surf zone of the Pacific Ocean, waters of the United States. The facility anticipates a year round operation, but may not operate during periods when the Estero Americano is closed from tidal influence.

During brief periods when the Estero Americano is closed from tidal action by the formation of a sandbar, seawater is re-circulated through the system. Cartridge, stripper, ultraviolet (U.V.), and biological filters are used with aeration to minimize suspended solids and organic material in the discharge when seawater is re-circulated. Processing waste is no longer discharged with wastewater, as processing waste from a small processing facility consists of abalone viscera that is currently bagged and sold as bait to fishermen.

During tank cleaning, the tanks are drained slowly to within 1 inch of the bottom, and any particulate matter is siphoned to the sediment tank and left to evaporate. The trough is also periodically cleaned into the sediment tank.

A. Description of Wastewater Treatment

Bodega Farms does not employ chemical or biological wastewater treatment processes prior to discharging. The facility does employ best management practices (BMPs), however, to control and minimize the discharge of pollutants from the facility. The BMPs

include incorporation of the baffle system in the trough, as described above; the use of a sediment tank for disposal of particulate matter when cleaning the tanks; maintaining high dissolved oxygen levels in the rearing tanks; removal of dead abalone and shells from the flow through system for compost; and the sale of processing waste to fishermen as bait. The facility does not use chemicals or drugs in the flow through system.

B. Discharge Points and Receiving Waters

Bodega Farms and its point of discharge in the surf zone of Bodega Bay, are located within the Estero Americano Hydrologic Area of the Bodega Hydrologic Unit.

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

1. Effluent limitations contained in the existing Order for discharges from Discharge Point 001 and representative monitoring data from the term of the previous Order are presented in Table F-2. The previous Order contained effluent limitations and monitoring requirements for salmonid and abalone processing waste streams, however, no process waste was generated during the monitoring period from January 2003 through August 2007.

Table F-2. Historic Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitation				Monitoring Data (From 9/04 – 8/07)
		Average Monthly	Average Weekly	Maximum Daily	6-month Median	Highest Average Weekly Discharge
Grease and Oil	mg/L	25	40	75	---	0
	lbs/day	208	334	625	---	0
Suspended Solids ^[a]	mg/L	8	---	15	---	3 ^[b]
	lbs/day	67	---	125	---	0.035
Settleable Solids ^[a]	mL/L-hr	1.0	---	3.0	---	0 ^[b]
Turbidity	NTUs	75	100	225	---	17.5
Hydrogen Ion	pH Units	6.0 – 9.0				Min – 7.9 Max – 8.3
Ammonia	mg/L	---	---	2.40	0.60	0
	lbs/day	---	---	130.00	32.52	0

^[a] The limitations represent an allowable incremental increase above the concentration present in the influent water. The concentration of constituents in the influent shall be subtracted from the final effluent concentration for the purpose of applying this effluent limitation.

^[b] Above the concentration of the influent.

D. Compliance Summary

No exceedances of numeric effluent limits were observed during the previous permit term for discharges at Discharge Point 001.

E. Planned Changes

There are no changes in operation or modifications to facilities planned for Bodega Farms during the anticipated term of this Order which will cause a material change in the volume or quality of discharges from the facility.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370).

It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans. The Regional Water Quality Control Board (Regional Water Board) adopted a *Water Quality Control Plan for the North Coast Region* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). Beneficial uses applicable to the Pacific Ocean for discharges from Bodega Farms are described in Table F-3 below.

Table F-3. Basin Plan Beneficial Uses for the Receiving Water

Discharge Point	Receiving Water	Beneficial Use(s)
001	Pacific Ocean (Bodega Bay)	<p>Existing:</p> <ul style="list-style-type: none"> • Municipal and Domestic Supply (MUN) • Agricultural Supply (AGR) • Industrial Service Supply (IND) • Groundwater Recharge (GWR) • Navigation (NAV) • Water Contact Recreation (REC-1) • Non-Contact Water Recreation (REC-2) • Commercial and Sport Fishing (COMM) • Cold Freshwater Habitat (COLD) • Wildlife Habitat (WILD) • Rare, Threatened or Endangered Species (RARE) • Marine Habitat (MAR) • Migration of Aquatic Organisms (MIGR) • Spawning, Reproduction, and/or Early Development (SPWN) • Estuarine Habitat (EST) <p>Potential:</p> <ul style="list-style-type: none"> • Industrial Process Supply (PRO) • Shellfish Harvesting (SHELL) • Aquaculture (AQUA)

Requirements of this Order implement the Basin Plan.

2. **Thermal Plan.** The State Water Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. Bodega Farms does not discharge elevated temperature waste, as there is not a significant temperature difference between the seawater intake and discharge; and therefore the Order does not include effluent limitations for temperature in response to the requirements of the Thermal Plan.
3. **California Ocean Plan.** The State Water Board adopted the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, and 2005. The State Water Board adopted the latest amendment on April 21, 2005 and it became effective on February 14, 2006. The Ocean Plan is applicable, in its entirety, to point source discharges to the Pacific Ocean. The Ocean Plan identifies the following beneficial uses of ocean waters of the State.

Table F-4. Receiving Water Beneficial Uses Established by the Ocean Plan

Discharge Point	Receiving Water	Beneficial Uses
001	Pacific Ocean	<ul style="list-style-type: none"> • Water Contact and Non-Contact Recreation, including Aesthetic Enjoyment • Navigation

		<ul style="list-style-type: none"> • Commercial and Sport Fishing • Rare and Endangered Species • Marine Habitat • Shellfish Harvesting • Mariculture • Fish Migration • Fish Spawning • Preservation of Designated Areas of Special Biological Significance
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In order to protect the beneficial uses, the Ocean Plan establishes water quality objectives and a program for implementation. Requirements of this Order implement the Ocean Plan.

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

5. **Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board’s Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations¹ section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. The effluent limitations in this permit are at least as stringent as those in the previous permit.

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

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

The USEPA approved the State's 2006 303(d) list of impaired water bodies on December 26, 2006. The portion of Bodega Bay which is the receiving water for this Discharger is not 303(d) listed; however, a nearby 810 acre portion of Bodega Harbor within the Bodega Bay hydrologic area is listed as impaired by exotic species. This permit contains a prohibition against the discharge of exotic species.

E. Other Plans, Policies and Regulations

On June 17, 1982, the State Water Resources Control Board adopted Resolution No. 82-34, attached to this Order as Attachment G, which granted an exception to the Ocean Plan 75 percent removal requirement for suspended solids, and established net effluent limitations for suspended and settleable solids for this Discharger.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

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

A. Discharge Prohibitions

The discharge prohibitions established by the Order are based on requirements of the Basin Plan and the California Water Code, including its implementing regulations; State Water Board plans and policies; as well as prohibitions and conditions that were established by the previous permit for Bodega Farms. Specific rationale for each discharge prohibition is discussed below.

1. **Discharge Prohibition III.A.** (Discharge of any waste not disclosed by the Discharger or not within the reasonable contemplation of the Regional Water Board is prohibited.)

This prohibition is established by this Order. Because limitations and other requirements of the Order have been established based on the current understanding of facility operations by Regional Water Board staff, as provided by the Discharger, discharges not addressed by this Order have not been properly considered by the Regional Water Board and are viewed as unauthorized discharges.

2. **Discharge Prohibition III.B.** (Discharge of any waste at a location not described by this permit is prohibited.)

This prohibition is retained from the previous permit. It is based on the Basin Plan to protect beneficial uses of the receiving water from unpermitted discharges, and the intent of California Water Code section 13376 which requires anyone discharging or proposing to discharge pollutants to waters of the United States to file a report of the discharge in compliance with the procedures set forth in Water Code section 13260, and sections 13261 through 13265, which requires waste discharge requirements be issued for discharges to waters of the State, and set out potential to civil liability for discharging waste to waters of the State without filing a report of waste discharge and being issued a permit. This prohibition applies to spills not related to sanitary sewer overflows and other unauthorized discharges of wastewater within the collection, treatment and disposal facilities. The discharge of untreated or partially treated wastewater from the collection, treatment or disposal system represents an unauthorized bypass pursuant to 40 CFR 122.41(m) or an unauthorized discharge that poses a threat to human health and/or aquatic life, and therefore, is explicitly prohibited by this Order.

3. **Discharge Prohibition III.C.** (Discharge of waste to land that is not under control of the Discharger, except as authorized under VI.C.6.a., Solids Control, is prohibited.)

This prohibition is retained from the previous permit.

4. **Discharge Prohibition III.D.** (Discharge of waste containing detectable levels of chemicals used for the treatment and control of disease is prohibited.)

This prohibition is retained from the previous permit. It is also based on the Regional Water Board's *Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations*, as expressed in the Basin Plan.

5. **Discharge Prohibition III.E.** (Creation of a pollution, contamination, or nuisance is prohibited.)

This prohibition is retained from the previous permit and is a restatement of California Health and Safety Code section 5411. It is a standard condition/prohibition included in NPDES and waste discharge requirements adopted by the North Coast Regional Water Board.

6. **Discharge Prohibition III.F.** (Discharge of processing wastes and wastewater is prohibited.)

This prohibition is established by this Order. The prohibition is based on current facility operations where process wastes are no longer discharged in the effluent and therefore, effluent limitations in this permit reflect this change from the previous permit.

7. **Discharge Prohibition III.G.** (Discharge of waste resulting from cleaning activities is prohibited.)

This prohibition is based on the Regional Water Board's *Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations*, as expressed in the Basin Plan.

8. **Discharge Prohibition III. H.** (Discharge rate shall not exceed 450,000 gallons per day.)

This prohibition is established by this Order and limits the rate of discharge to the maximum flow rate contemplated by Regional Water Board staff in establishing effluent limitations and requirements of the Order.

9. **Discharge Prohibition III.I.** (Discharge of exotic organisms is prohibited.)

This prohibition is established by this Order, and reflects the Regional Water Board's concern regarding the release of an exotic or non-native species or fish pathogen, and is relevant because Bodega Harbor, an adjacent waterbody, is 303(d) listed for exotic species.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at 122.44, title 40 of the Code of Federal Regulations, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. When USEPA has not promulgated technology-based Effluent Limitations Guidelines for a particular industry, the Regional Water Board can establish technology-based requirements using best professional judgment (BPJ) pursuant to 40 CFR 125.3 (c). When using BPJ to establish technology-based limitations, the factors described at 40 CFR 125.3 (d) must be considered. Technology-based requirements of the Order, placed on discharges to surface waters, have been established implementing effluent limitations in Table A of the Ocean Plan.

Effluent Limitations Guidelines (ELGs) for Concentrated Aquatic Animal Production Facilities are established at 40 CFR 451. The effluent guidelines are applicable to facilities that produce 100,000 pounds per year of aquatic animals. Although not directly applicable to this Discharger, who anticipates a production rate of 11,600 pounds per year; a requirement to develop a best management practices plan, as contemplated by the ELGs, is established using BPJ in section VI.C.3.a. of the Order.

2. Applicable Technology-Based Effluent Limitations

Technology-based limitations established for Discharge Point 001 are summarized in Table 7 of the Order.

Requirements for grease and oil, suspended solids, settleable solids, and turbidity are retained from the previous permit. Requirements for settleable and suspended

solids limitations reflect the requirements of Table A of the 2005 California Ocean Plan. The effluent limitations for settleable and suspended solids are retained from the previous permit, and are established by State Water Board Resolution No. 82-34. This resolution granted an exception to the Ocean Plan Table A requirement of 75% removal of suspended solids and established the “net” effluent limitations for suspended and settleable solids that are retained by this Order. The requirements for hydrogen ion (pH) are more stringent than the previous permit and are established in accordance with Table 3-1 of the Basin Plan for Bodega Bay.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state’s narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan and the Ocean Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

Beneficial uses established by the Basin Plan and Ocean Plan, applicable to the receiving water for discharges from Bodega Farms, are described in the findings of the Order and in section III.C. of this Fact Sheet. Water quality objectives, applicable to these receiving waters, are established by the Basin Plan and the Ocean Plan and include the water quality objectives for toxic pollutants established in Table B of the Ocean Plan.

3. Determining the Need for WQBELs

Monitoring data for most of the Ocean Plan Table B constituents was not available during permit reissuance; and therefore, a reasonable potential analysis (RPA) was not conducted.

4. WQBEL Calculations

This section of the standardized permit is not applicable because an RPA was not conducted, and therefore, WQBEL calculations were not required.

5. Whole Effluent Toxicity (WET)

Effluent limits for whole effluent toxicity (WET), acute or chronic, protect the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. There are two types of WET tests - acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and/or growth. This Order does not contain acute and chronic WET limitations, but contain monitoring requirements for chronic toxicity. If the result of any chronic toxicity test exceeds the toxicity "trigger" of 1.0 TUc, the Discharger must initiate accelerated monitoring as described in section V of the MRP. After accelerated monitoring, if conditions of chronic toxicity are found to persist, the Discharger will be required to conduct a Toxicity Reduction Evaluation, as described by the MRP.

D. Final Effluent Limitations

1. Satisfaction of Anti-Backsliding Requirements

All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order. Currently calculated mass based effluent limitations are determined using a much decreased flow rate from that of the previous permit; and therefore the limits are more stringent.

Effluent limitations from the previous permit which applied to seafood, salmonid fish, and abalone processing are not retained in this Order, because the Discharger declared in the facility's Report of Waste Discharge that processing wastes are no longer discharged. To ensure that processing wastes and pollutants are not discharged, a discharge prohibition has been established in this Order against the discharge of process wastes and wastewater. Because the discharge prohibition is effectively more stringent than effluent limitations of the previous permit for processing activity, the elimination of those limitations is consistent with anti-backsliding provisions of the Clean Water Act and its implementing regulations.

The previous permit included effluent limitations for the Ocean Plan Table B pollutants, which reflected the applicable water quality objectives from Table B of the Ocean Plan (2001) expressed directly as end-of-pipe effluent limitations. These

effluent limitations for the Table B pollutants are not retained by this Order; however the Order includes a receiving water limitation which states:

Discharges shall not cause exceedances of water quality objectives for ocean waters of the State established in Table B of the Ocean Plan.

Because the Discharger is not allowed a dilution credit, this receiving water limit in effect limits concentrations of Table B pollutants in the discharge to levels below the water quality objectives established by Table B of the Ocean Plan; and therefore, the Regional Water Board has determined that the non-retention of effluent limitations for the Table B pollutants is consistent with State and federal anti-backsliding policies. Periodic monitoring of the discharge for the Ocean Plan Table B pollutants, required by the MRP, will enable the Regional Water Board to determine compliance with the receiving water limitation described above that, in effect, replaces the end-of-pipe effluent limitations of the previous permit.

2. Satisfaction of Antidegradation Policy

This Order does not authorize increases in effluent volume or pollutant concentration, and therefore is consistent with applicable antidegradation policy expressed by State Water Board Resolution No. 68-16 and NPDES regulations at 40 CFR 131.12.

3. Stringency of Requirements for Individual Pollutants

This Order contains technology-based limitations for individual pollutants at Discharge Point 001. The technology-based effluent limitations consist of restrictions on oil and grease, suspended solids, settleable solids, turbidity, and pH. Restrictions on these pollutants are discussed in Section IV.B.2 of this Fact Sheet.

Summary of Final Effluent Limitations Discharge Point 001

Table F-5. Effluent Limitations – Ocean Plan Table A

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Grease and Oil	mg/L	25	40	75
	lbs/day ^[a]	94	150	280
Suspended Solids ^[a]	mg/L	8	---	15
	lbs/day ^[a]	30	---	56
Settleable Solids ^[a]	mL/L-hr	1.0	---	3.0
Turbidity	NTUs	75	100	225
Hydrogen Ion	pH Units	Not less than 7.0 nor greater than 8.5		

^[a] This limitation represents an allowable incremental increase above the concentration present in the influent water. The concentration of constituents in the influent shall be subtracted from the final concentration for the purpose of applying this effluent limitation.

E. Interim Effluent Limitations

Not Applicable.

F. Land Discharge Specifications

Not Applicable.

G. Reclamation Specifications

Not Applicable.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

Receiving water quality is a result of many factors, some unrelated to the discharge. This Order considers these factors and is designed to minimize the influence of the discharge on the receiving water. Receiving water limitations within the proposed Order generally include the receiving water limitations of the previous Order; however these limitations have been supplemented and modified to reflect all applicable, general water quality objectives of the Ocean Plan (2005) and the Basin Plan.

B. Groundwater

Not Applicable.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

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

A. Influent Monitoring

Intake water monitoring requirements for the seawater system are retained from the previous permit. Intake water monitoring provides characterization of natural / background water quality and is necessary to determine compliance with effluent limitations for suspended and settleable solids, which are expressed as allowable increases from those concentrations measured in intake water. Intake water monitoring requirements are contained in Attachment E, Section III.A. of the MRP.

B. Effluent Monitoring

Pursuant to the requirements of section 122.44 (i), effluent monitoring is required for all constituents with effluent limitations. Most effluent monitoring requirements have been retained from the previous permit (e.g., flow, turbidity, pH, and suspended and settleable solids.) Monitoring for ammonia and oil and grease is still required, because they are Ocean Plan Table A constituents; however, the frequency of effluent monitoring has been reduced to annually. A reduction in frequency is appropriate because processing waste and wastewater is no longer discharged, and monitoring results from the term of the previous permit indicate these constituents are not present in the discharge. Chronic toxicity monitoring is established by this Order, as directed by the guidance in the Ocean Plan in section III.C.4.c, which is discussed in C., below, to determine compliance with the Ocean Plan narrative toxicity objective. Effluent monitoring requirements for the Ocean Plan Table B pollutants three times during the term of the Order are established by this Order. The monitoring requirements for Table B pollutants are necessary to generate adequate data to perform a reasonable potential analysis.

Effluent monitoring requirements for processing waste are not retained in this Order because processing wastes are no longer discharged.

Effluent monitoring requirements are contained in Attachment E, Section IV of the MRP.

C. Whole Effluent Toxicity Testing Requirements

This Order does not establish WET effluent limitations; however, monitoring requirements for chronic toxicity are established by this Order. Monitoring requirements for acute toxicity are not retained from the previous Order. This is in accordance with the Ocean Plan, section III.C.4.c., which states that dischargers shall conduct chronic toxicity testing if the minimum initial dilution falls below 100:1. The Discharger does not qualify for any dilution credit, and therefore shall conduct chronic toxicity testing. The toxicity monitoring requirements are included in section V.A. of the Monitoring and Reporting Program.

D. Receiving Water Monitoring

1. Surface Water

Not Applicable.

2. Groundwater.

Not Applicable.

E. Land Discharge Monitoring

Not Applicable.

F. Other Monitoring Requirements

1. Chemical and Drug Use

The Discharger shall report on chemicals and drugs used for disease control, disinfection, and health maintenance at the facility with sufficient information to determine compliance with Discharge Prohibition III. D.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

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

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

B. Special Provisions

1. Reopener Provisions

Provision VI.C.1 contains reopener provisions. The Regional Water Board may reopen the Order to modify Order conditions and requirements. Causes for modifications include demonstration that the Discharger is causing or significantly contributing to adverse impacts to water quality and/or beneficial uses of receiving waters; new interpretation of water quality objectives of the Basin Plan; or if effluent monitoring or other new information demonstrates reasonable potential for any pollutant or pollutant parameter with applicable water criteria established by the Ocean Plan or Basin Plan.

2. Special Studies and Additional Monitoring Requirements

a. Toxicity Reduction Requirements

In addition to routine toxicity monitoring, Special Provision VI.C.2.a requires the Discharger to submit to the Regional Water Board an Initial Investigative TRE Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event

effluent toxicity is encountered. The TRE is initiated by evidence of a pattern of toxicity demonstrated through the additional effluent monitoring provided as a result of an accelerated monitoring program.

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

1. Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, (EPA/833B-99/002), August 1999.
2. Generalized Methodology for Conducting Industrial TREs, (EPA/600/2-88/070), April 1989.
3. Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures, Second Edition, EPA 600/6-91/005F, February 1991.
4. Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I, EPA 600/6-91/005F, May 1992.
5. Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting acute and Chronic Toxicity, Second Edition, EPA 600/R-92/080, September 1993.
6. Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity, Second Edition, EPA 600/R-92/081, September 1993.
7. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002.
8. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA-821-R-02-013, October 2002.
9. Technical Support Document for Water Quality-based Toxics Control, EPA/505/2-90-001, March 1991

3. Best Management Practices and Pollution Prevention

a. Best Management Practices

Best Management Practices are included in Provision VI.C.3.a. The Discharger does not apply chemical or biological treatment of the discharge, so the use of Best Management Practices is necessary for control of pollutants of concern, such as suspended solids, prior to discharge.

b. Pollution Minimization Program

Provision VI. C. 3. b is included in this Order pursuant to section III. C. 9 of the Ocean Plan. A Pollutant Minimization Program is required when there is evidence that a toxic pollutant is present in effluent at a concentration greater than an applicable effluent limitation.

4. Construction, Operation, and Maintenance Specifications

Not Applicable.

5. Special Provisions for Municipal Facilities (POTWs Only)

Not Applicable.

6. Other Special Provisions

a. Solids Disposal

This provision regarding proper disposal of solids is retained from the previous permit.

7. Compliance Schedules

Not applicable.

VIII. PUBLIC PARTICIPATION

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

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through publication in the *Press Democrat* on May 23, 2008 and through posting on the Regional Water Board's Internet site at http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/ beginning on May 23, 2008.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in

person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on June 23, 2008.

C. Public Hearing

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

Date: July 24, 2008
Time: 8:30 AM
Location: North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403

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

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

D. Waste Discharge Requirements Petitions

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

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

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (707) 576-2220.

F. Register of Interested Persons

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

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Charles Reed at (707) 576-2752.

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