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SAUSALITO-MARIN CITY SANITARY DISTRICT

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BEFORE THE

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Sausalito-Marin City Sanitary District's Petition for Review of Action and Failure to Act by the California Regional Water Quality Control Board, San Francisco Bay Region, in Adopting Order No. R2-2007-0054 and Waste Discharge Requirements for the Sausalito-Marin City Sanitary District and the Cease and Desist Order No. R2-2007-0055 Requiring the Sausalito-Marin City Sanitary District to Cease and Desist Discharging Partially-Treated Wastewaters to the Waters of the State	**PETITION FOR REVIEW; SHORT FORM; PRELIMINARY POINTS AND AUTHORITIES IN SUPPORT OF PETITION (Water Code § 13320)**

Petitioner Sausalito-Marin City Sanitary District ("District"), in accordance with Water Code § 13320, hereby petitions the State Water Resources Control Board ("State Water Board") for review of Order No. R2-2007-0054 and Order No. R2-2007-0055 of the California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Water Board"), reissuing the National Pollution Discharge Elimination System ("NPDES") Permit No. CA0038067 for the District (the "Permit") and issuing a responding Cease and Desist Order. A copy of the Tentative Permit (Order No. R2-2007-0054) and the Cease and Desist Order (Order No. R2-2007-0055) are attached as Exhibit A and B, however, due to the final Orders not having been issued at the time of preparation of this Petition no final orders are provided. A copy of this Petition has been sent to the Regional Water Board. A copy of the Request to Prepare Record of Proceeding is attached as Exhibit C. The issues and a summary of the bases for the Petition follow. Petitioner is filing a short form type Petition due to the final Order not being issued prior to the date for filing the Petition and Petitioner reserves the right to file a more detailed Statement of Reasons that Actions of Regional Water Board are Inappropriate and memoranda in support of its Petition when the final Orders have been issued and evaluated, the full administrative record is available, and any other material has been submitted.[1]

The District owns and operates a wastewater treatment plant (also known as a Publicly-Owned Treatment Works, or "POTW") located on Federal Park Service property within Fort Baker in Sausalito, Marin County, California. It occupies a small portion of the Federal park land and provides secondary level treatment for wastewater from the City of Sausalito, Marin City, Tamalpais Community Services District, and the Golden Gate National Recreational Area. The City of Sausalito, Tamalpais Community Services District and the Golden Gate National Recreational Area are satellite collection systems. The District operates its own collection system which includes about ten miles of sanitary sewers and seven pump stations. Satellite system operators own and maintain approximately seventy miles of sanitary sewer lines.

[1] The State Water Resources Control Board's regulations require submission of a statement of points and authorities in support of a petition (23 C.C.R. §2050(a)(7)), and this document is intended to serve as a preliminary memorandum. However, it is impossible to prepare a complete statement and memorandum in the absence of the complete administrative record, which is not yet available.

The District's treatment plant has an average dry weather flow of about 1.3 million gallons per day ("MGD") and a maximum wet weather design flow of 6.0 MGD. Weather conditions sometimes exceed 6.0 MGD due to infiltration to the District's collection system and the collections systems of the satellite agencies. Wet weather conditions sometimes exceed 6.0 MGD and under these conditions, the District's excess flow above 6.0 MGD is diverted from the biological treatment units directly to the secondary clarifiers and a blended discharge occurs.

The District has a long history of working cooperatively with the Regional Water Board to achieve the common goal of protecting water quality in the San Francisco Bay. This small District currently faces numerous technical, regulatory and administrative challenges in modernizing an older plant which is configured on a steep hillside within the jurisdiction of the Federal Park Service, Department of Interior. The District commends the Regional Water Board staff for addressing many complex technical and legal issues in a professional and conscientious way and attempting to address several of the District's concerns within the Tentative Order. With great respect for the Regional Water Board and its staff, the District must none-the-less seek review of several issues where it contends that the Regional Water Board's legal and factual analysis is incorrect. The District hopes that the issues raised in this Petition will not have to be litigated, but the costs of complying with the contested Permit provisions are potentially staggering for a small District. The District requests that the State Water Board initially hold this petition in abeyance pursuant to Title 23, California Code of Regulations, section 2050.5, subdivision (d), to allow time for the District and similarly-situated dischargers to attempt to resolve its concerns with the Regional Water Board informally.

The District requests that the State Water Board review three basic issues. The first basic issue is to review the limitations that have been imposed for toxic substances including, dioxin-TEQ, chlordane, selenium, and mercury. Second, the Regional Water Board incorrectly interpreted the need to impose compliance schedule requirements for additional source control measures and the capital improvement program actions. Third, the Regional Water Board incorrectly included provisions to meet the dioxin-TEQ limit by potential use of a mass offset program which does not currently exist nor are there any specific draft criteria or formal

guidance for such a program.

I. NAME AND ADDRESS OF PETITIONER:

Sausalito-Marin City Sanitary District
#1 Fort Baker Road
P.O. Box 39
Sausalito, CA 94965
Attn: Bob Simmons, General Manager
Email: bob@smcsd.net

In addition, all materials in connection with this Petition should be provided to the District's General Counsel at the following address:

Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, California 94607
Attn: Kenton L. Alm
Email: kalm@meyersnave.com

II. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL WATER BOARD WHICH THE STATE WATER BOARD IS REQUESTED TO REVIEW:

The District seeks review of the Regional Water Board's issuance of the Order Nos. R2-2007-0054 and R2-2007-0055 reissuing the NPDES Permit for the District and issuing a Cease and Desist Order adopted concurrent therewith. The specific permit requirements of the Permit that the District request the State Water Board review relate to the concentration-based effluent limitations for dioxin-TEQ, chlordane, mercury, and selenium.

The State Water Board is also requested to review the Regional Water Board's actions in adopting the permit for compliance with due process and the California Administrative Procedures Act (California Government Code §§ 11340, et seq.); the Porter Cologne Water Quality Control Act (California Water Code §§ 13000, et seq.) the Clean Water Act ("CWA") 33 U.S.C. §§ 1251, et seq.) and its implementing regulations (40 C.F.R parts 122, 123, 130, 131); the Water Quality Control Plan, San Francisco Bay Region (the "Basin Plan"); and the Policy for Implementation of Toxics Standards for Inlands Surface Waters, Enclosed Bays, and Estuaries of California ("SIP").

The specific action of the Regional Water Board which the State Water Board is

requested to review relate to the following:

A. The imposition and derivation of effluent limitations for, dioxin-TEQ, chlordane, mercury, and selenium.

B. Inclusion of compliance schedule requirements for additional source control and capital improvements.

C. Inclusion of reference to use of mass offsets to meet the dioxin-TEQ limit where no such program exists.

D. Inclusion of requirement to conduct pollution minimization program.

III. THE DATE ON WHICH THE REGIONAL WATER BOARD ACTED OR REFUSED TO ACT:

The Regional Water Board adopted the Permit on August 8, 2007. However, the Regional Water Board referred the matter to staff for inclusion of certain comments into a final order and as of the date of drafting of this Petition, the final Order has not been promulgated.

IV. STATEMENT OF REASONS THE REGIONAL WATER BOARD'S ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

A. The Regional Water Board Improperly Imposed Numeric Effluent Limitations for Dioxins-TEQ, Chlordane, Mercury, and Selenium.

The NPDES Permit being appealed contains concentration limits for dioxin-TEQ, chlordane, mercury, and selenium. The limits have been challenged by other dischargers and the Bay Area Clean Water Agencies ("BACWA") in previous administrative and court appeals. However, many of those appeals have not resulted in final determinations nor have outstanding Petitions of Bay Area POTWs' permits resulted in resolution of all disagreements or global settlements. Currently many of these issues remain, final limits have been issued and timelines for compliance under the NPDES permit and the Cease and Desist Order have now been issued. The District believes that the Regional Water Board conclusion of the final numeric water quality based effluent limitations ("WQBELs") toxic pollutants referenced in this Petition are contrary to the requirements of the CWA and State law. In the case of dioxin-TEQ and chlordane, numeric limitations have been demonstrated to be infeasible to meet and could result

in the permitted entities having to construct expensive new treatment facilities or otherwise spend scarce public funds on new technologies without reasonable promise that this will allow them to meet these limits. This waste of resources is not reasonable nor required under Water Code § 13000.

1. The Regional Water Board improperly utilized the Basin Plan's narrative objective for bioaccumulation to justify the imposition of a dioxin TEQ limit.

In adopting the numeric effluent limitations for dioxin-TEQ, the Regional Water Board has justified its actions on this Permit and others adopted in 2007 by claiming that the applicable water quality objectives specified in the Basin Plan require limits to protect against unsafe levels of dioxin and fatty tissue of fish and other organisms. See Permit Fact Sheet starting on F-37. The Basin Plan contains no numeric objectives specifically set to define acceptable levels of these constituents in fish tissue or sediment, and the CTR only set numeric criteria for 2,3,7,8-TCDD, not all of the congeners of dioxin. Thus, the Regional Water Board improperly relied on the Basin Plan's narrative objective for Bioaccumulation to justify the imposed limits for dioxin.

The Bioaccumulation objective does not provide authorization for the limits imposed in this instance. The Bioaccumulation objective found on page 3-2 of the Basin Plan provides:

> Many pollutants can accumulate on particles, in sediment, or Bioaccumulate in fish or other aquatic organisms. ***Controllable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life.*** Effects on the aquatic organisms, wildlife, and human health will be considered. (Emphasis added.)

Because the water quality objective regulates only controllable water quality factors, and the controllable water quality factors are defined to include only human activities that may reasonably be controlled, the Regional Water Board must consider only controllable factors both in its reasonable potential analysis and in calculating effluent limitations. The Regional Water Board has acknowledged in the Permit's findings and other associated documents that the

presence of dioxin may be beyond the discharger's control. Therefore, the District's minimal discharge of dioxin is not a "controllable water quality factor" that is causing a "detrimental increase in the concentrations of toxic substances found in the bottom sediments or aquatic life," and imposing a limit for dioxin is not necessary nor based upon the findings and evidence.

2. The State Water Board's decision in WQ 2002-0012 does not control this petition because the District's contention is that the overly stringent effluent limitations regulate uncontrollable water quality factors, not that dioxin pollution in general cannot be controlled even in part.

The State Water Board previously considered whether dioxin is appropriately regulated under the Basin Plan's narrative bioaccumulation objective in *In the Matter of the Petitions of East Bay Municipal Utility District and Bay Area Clean Water Agencies*, State Water Resources Control Board, Order WQO 2002-0012. That decision does not resolve the District's petition because it addressed a different contention.

In WQO 2002-0012, the discharger relied on permit findings regarding the difficulty of further limiting the discharge of dioxin to argue that "discharges of these substances are not 'controllable,' and therefore are not subject to the [narrative bioaccumulation] water quality objective." (*Id.* at p. *3.) Reading the permit findings "as a whole," the State Water Board found the Regional Water Board's statements to be a determination "that the current technology of POTWs is controlling the discharges *in part*." (*Ibid.* (emphasis added).) The State Water Board opined that the "controllable" requirement distinguishes "between unidentifiable background sources and identifiable point and non-point sources associated with human activities that can be controlled, albeit perhaps at significant expense." (*Ibid.*) Accordingly, the discharger's blanket claim that dioxin discharges cannot be regulated under the narrative bioaccumulation objective was rejected. (*Ibid.*)

This District is not arguing in this petition, as the discharger in WQO 2002-0012 did, that dioxin cannot be regulated *at all* under the narrative bioaccumulation objective. If the 2,3,7,8-TCDD TEQ effluent limitations in the District's permit were at a level of stringency that

matched the level of water quality control provided by "the current technology of POTWs" and pretreatment source control programs, these dioxin congeners could arguably be regulated under the narrative bioaccumulation objective. But the 0.014 pg/L 2,3,7,8-TCDD TEQ effluent limitation in the District's permit goes far beyond that level of pollution control. The bioaccumulation objective may be interpreted to require removal of amounts of dioxin that may be reasonably controlled, but it cannot be interpreted to impose effluent limits more stringent than that. The fact that POTWs may reduce dioxin discharges "in part" cannot bring effluent limitations of unlimited stringency within the penumbra of a water quality objective that is explicitly limited to "controllable water quality factors." Indeed, WQO 2002-0012 implicitly acknowledges that dioxin discharges "in part" are *not* controllable. Dischargers may not be required to remove the uncontrollable 2,3,7,8-TCDD TEQ "part" from their effluent under the narrative bioaccumulation objective.

To the extent that the State Water Board's analysis in WQO 2002-0012 addresses incremental regulation of dioxin under the bioaccumulation objective, it is dicta and it fails to consider the specific provisions of the Basin Plan. The State Water Board's interpretation of "controllable" as a reference to whether a water quality factor is "identifiable" is not a proper construction of the Basin Plan. As a preliminary matter, "controllable" and "identifiable" simply do not have the same meaning. (Compare The American Heritage Dictionary of the English Language, Fourth Edition. Retrieved February 19, 2007, from Dictionary.com website: http://dictionary.reference.com/browse/controllable ("controllable . . . 2. To adjust to a requirement; regulate: *controlled trading on the stock market; controls the flow of water.*"); http://dictionary.reference.com/browse/identifiable ("identifiable . . . 2. To ascertain the origin, nature, or definitive characteristics of.").) By way of analogy, inclement weather is easily identifiable, but it certainly is not controllable. Interpreting the Basin Plan to substitute the word "identifiable" for "controllable" impermissibly changes the meaning of the regulation.

The State Water Board's use of "controllable" and "identifiable" as synonymous terms is further undercut by the actual definition of "controllable water quality factors" in the Basin Plan as "those actions, conditions, or circumstances resulting from human activities that may

influence the quality of the waters of the state and *that may be reasonably controlled.*" (Basin Plan, § 3.1 (emphasis added).) The Regional Water Board has acknowledged at several recent permit hearings that the main source of dioxin in influent is "beyond the [District's] control" and that compliance with the 2,3,7,8-TCDD TEQ effluent limitations could be overly burdensome and would not be cost effective for the benefits received.[2] To allow overly-burdensome regulation that is not cost-effective to be imposed under the narrative bioaccumulation objective is to render "that may be reasonable controlled" surplussage.

In addition, under the provisions of the Basin Plan, uncontrollable water quality factors can only be regulated after the Regional Water Board has conducted a "case-by-case analysis of the benefits and costs of preventing further degradation." No such analysis has been conducted for 2,3,7,8-TCDD TEQ. Uncontrollable discharges of 2,3,7,8-TCDD TEQ cannot be regulated until the study has been completed. The Regional Water Board previously argued in its responses to comments concerning this issue that EPA's action in placing San Francisco Bay on the 303(d) list as impaired by dioxin resolves the issue of whether the effluent limitations in a district's permit regulate "controllable water quality factors."[3] However, the State Water Board indicated in Order WQ 2001-06 that "so placement of a constituent on the 303(d) list alone is not sufficient evidence that a permit limit is warranted."

EPA's 303(d) listing means only that implementation of technology-based effluent limitations required under 33 U.S.C. § 1311(b)(1)(A) and 33 U.S.C. § 1311(b)(1)(B) will not be sufficient to implement the bioaccumulation objective. (33 U.S.C. § 1313(d)(1)(A).) Since "[t]he Regional Water Board recognizes that the primary source of dioxins and furans in the Bay Areas is air emissions from combustion sources" (Fact Sheet, p. F-31), EPA's 303(d) listing more than anything signals that air emissions that can reasonably be controlled are causing bioaccumulation of dioxin. The only source of dioxin compounds mentioned on the 303(d) list itself is "Atmospheric Deposition." In fact, EPA's web site indicates that the agency believes

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[2] Although the Regional Water Board did not specifically include these admissions as to the source and treatability of dioxin in the Fact Sheet for this permitee, it has done so both in permits and at hearings for the Central Contra Costa Sanitary District held on January 23, 2007 (Order No. R2-2007-008) and on other occasions.

[3] See Response to Comments of Regional Water Board for January 23, 2007 hearing on permit of Central Contra Costa Sanitary District (Order No. R2-2007-008).

only 2% of the dioxin in San Francisco Bay comes from POTWs. (<http://www.epa.gov/docs/region09/water/dioxin/sfbay.html> [as of February 20, 2007].) The 303(d) listing says nothing about whether actions the District will have to take to comply with the effluent limitations in its Permit are "controllable water quality factors."

3. The Regional Water Board's reasonable potential analysis ignored the fact that the narrative bioaccumulation objective only regulates controllable water quality factors.

The Regional Water Board's reasonable potential analysis ignores the actual language of the bioaccumulation objective. There is no reasonable potential for the District's discharge to cause or contribute to an excursion above the narrative bioaccumulation objective because it only prohibits detrimental increases in concentration caused by *controllable* water quality factors. The Regional Water Board's extrapolation from the CTR criterion for 2,3,7,8-TCDD is flawed because the CTR criteria are based only on a risk assessment. (See 65 Fed. Reg. 31682-01 (May 18, 2000).) In determining whether the District's discharge has the reasonable potential to cause an excursion above the bioaccumulation standard, the Regional Water Board should have considered whether dioxin TEQ in the District's discharge "that may reasonably be controlled" was contributing to bioaccumulation of toxic substances. By conducting a purely risk-based reasonable potential analysis, without regard to controllability, the Regional Water Board staff inappropriately ignored the actual text of the water quality objective it purported to analyze.

4. The Regional Water Board calculated effluent limitations for 2,3,7,8-TCDD that are more stringent than required to implement the bioaccumulation objective.

In addition, even if the Regional Water Board could properly find reasonable potential for dioxin TEQ, it is an improper implementation of the bioaccumulation objective to require removal of dioxin caused by uncontrollable factors. By reading "controllable water quality factors" out of the bioaccumulation objective, the Regional Water Board is establishing a new water quality objective. As the State Water Board explained in *In the Matter of the Petition of*

City and County of San Francisco, et al., State Water Resources Control Board, WQ 95-4 (September 21, 1995):

> A RWQCB may choose, on a case-by-case basis, however, to establish water quality-based effluent limitations which are more stringent than limitations based upon the applicable water quality objectives where necessary to protect beneficial uses or prevent nuisance. If a RWQCB takes this approach, the rationale for the more stringent limitations must be explained in the permit findings, which must be supported by evidence in the record. In addition, the RWQCB must consider the factors specified in Water Code § 13241, which apply to the adoption of water quality objectives on a permit-specific basis.

(*Id.* at p. *5 (citations and footnotes omitted); see also *In the Matter of the Petition of the Cities of Palo Alto, et al.*, State Water Resources Control Board, WQ 94-8 (September 22, 1994), p. *3; *Southern California Edison Co. v. State Water Resources Control Board* (1981) 116 Cal.App.3d 751, 759-61.) The Regional Water Board acted improperly, inappropriately and illegally because it did not analyze the factors listed in section 13241 when imposing the effluent limitations for 2,3,7,8-TCDD in the District's permit and it did not make findings explaining why it is necessary to impose effluent limitations more stringent than required by the bioaccumulation objective.

By imposing effluent limitations for 2,3,7,8-TCDD that are more stringent than required by the narrative bioaccumulation objective, the Regional Water Board imposed effluent limits that are more stringent than required by federal law. The Regional Water Board has identified the narrative bioaccumulation objective as the "applicable water quality standard" relevant to the effluent limitations for 2,3,7,8-TCDD in the District's Permit. (Fact Sheet, p. F-30.) As explained above, because the effluent limitations require the District to remove 2,3,7,8-TCDD that does not come from controllable water quality factors, the effluent limitation are more stringent than the narrative bioaccumulation objective, and therefore more stringent than federal law. When imposing effluent limitations that are more stringent than federal law, the Regional Water Board must consider the factors listed in Water Code § 13241. (*Burbank v. State Water*

Resources Control Board (2005) 35 Cal.4th 613, 625-27.) If the economic impact of the effluent limitations would be severe, the limitations must be made less stringent (*Burbank, supra,* 35 Cal.4th at p. 626 fn. 7 ["State law, as we have said, allows a regional board to consider a permit holder's compliance cost to relax pollutant concentrations, as measured by numeric standards, for pollutants in a wastewater discharge permit."].)

Based on these concerns, the Permit should be remanded back to the Regional Water Board with direction to either eliminate the 2,3,7,8-TCDD TEQ concentration limits from the permit, or to analyze whether there is reasonable potential for 2,3,7,8-TCDD TEQ in light of the actual language of the bioaccumulation objective. The Regional Water Board should further be directed to, if it finds reasonable potential for 2,3,7,8-TCDD TEQ, conduct the cost/benefit analysis required by the Basin Plan, then calculate effluent limitations based on the actual language of the bioaccumulation objective or conduct the analysis required under Water Code §§ 13263 and 13241 if it decides to adopt effluent limitations that are more stringent than the Basin Plan and federal law.

For the reasons stated above, the final effluent limitations for 2,3,7,8-TCDD TEQ in the District's permit are inappropriate and invalid. The Regional Water Board has not made sufficient findings, and the Permit is not supported by the evidence.

5. The Regional Water Board Improperly Imposed Effluent Limit on Chlordane Due to Basing The Reasonable Potential Analysis on a Single Non-Quantifiable, Non-Reproducible Data Point.

The District requested in its comments that the chlordane effluent limit be removed because the reasonable potential was based on only one detected-but-not-quantifiable data point. Regional Water Board findings on the Fact Sheet (F-40) state that the ML for chlordane is 0.1 µg/L (microgram per liter), whereas the maximum effluent concentration ("MEC") used for the reasonable potential analysis was detected on only a single occasion at 0.018 µg/L. The Fact Sheet also points out that final WQBELs for chlordane, calculated "according to the SIP procedures", are 0.00059 µg/L ("AMEL") and 0.0012 µg/L for ("MDEL"). The Fact Sheet properly concludes that a comparison between the MEC derived from only one test suggests that

it is infeasible for the discharger to immediately comply with the final WQBELs for chlordane. Further the Fact Sheet indicates that due to insufficient data it is impossible to calculate the 99.87th percentile and hence the interim limit was set at the ML or 0.1 μg/L. Due to the levels of the AMEL and MDEL being significantly below the ML, the Regional Water Board acknowledges that it would not be able to enforce a final limit, but, concluded that there is a need for a Cease and Desist Order since there is no suggested feasible means for the District to meet the final limit within the permit term. The need for a Cease and Desist Order for chlordane again is based on data from a single test result which is not reproducible and not quantifiable. That single result suggests that the discharger will not be able to comply with the final limit which will take effect on May 18, 2010 as the SIP time period for interim limits expires. As set forth in the time schedules, the District will be required to complete investigative, preventive and remedial actions to address "eminent and threatened violations" even though the single test result relied on may be due to a rogue discharge which may not be repeated.

Chlordane is a chemical which the Regional Water Board and all concerned parties acknowledge has been banned for use in the United States for nearly twenty years. The District's compliance testing over the last five years demonstrates that there is not a persistent presence of chlordane at any detectable level and the single, potentially rogue, result is at a fraction of the ML. The Regional Water Board's response to this comment indicates that the SIP requires that the data should not be discarded unless there is evidence that the sample has been "erroneously reported, ***is not representative of the effluent***, or there is questionable quality control/quality assurance practices." (Emphasis added.) Although the Regional Water Board's response suggests that "the estimated chlordane value appears to be analytically valid," it does not properly take in to consideration that a single test result over a five year testing period for a chemical that has been banned for nearly twenty years, certainly can be reasonably considered "not representative of the effluent." As such, the Regional Water Board Order should have required additional testing during this Permit term to ascertain whether the single result can be confirmed in order to properly assess whether in fact any reasonable potential does exist.

6. The Regional Water Board Improperly Utilized the Basin Plan's Narrative Objective for Bioaccumulation to Justify the Imposition of a Chlordane Limit.

The District incorporates its arguments concerning bioaccumulation narrative objective stated in the Basin Plan relating to "controllable water quality factors" (set forth in detail in Sections IVA 1-4 above) as those arguments apply to the inclusion of a chlordane limit in the District's Permit and the Cease and Desist Order. Although the factual basis for the applicability of this argument to the chlordane limit differ from those relating to dioxin, similar legal arguments can be applied to facts relied on by the Regional Water Board to support the chlordane limit. Since the Regional Water Board can only rely on "controllable factors" for both its reasonable potential analysis and the calculation of effluent limitations, the use of a single, unrepresentative effluent sample as the basis of the chlordane limit and time schedule actions is improper. The District's position is that there is no reasonable basis for concluding that the random and rare potential discharge of a chemical which has been banned for use in the United States since 1988 should be deemed, as a practical matter, as a "controllable factor". It is a reality that even twenty years after the ban of such chemical, there may be very small amounts retained in garden sheds or garages and on rare occasions those small amounts may be improperly or illegally disposed of to a sanitary sewer. This hardly can be viewed as a controllable event since there is no fail safe method to prevent random occurrences regardless of the pollution prevention efforts made. Given the MDEL of 0.0012 μg/L, even a miniscule amount of chlordane contained in discharge to the sanitary sewer system will likely cause a violation, provided it could be fully quantified, which under present regulations it can not. The Regional Water Board's inclusion of the Permit limitation for chlordane must be based on the misguided contention that the District has a realistic ability to control potential for rare and random miniscule discharges of chlordane. Under these circumstances the potential for future random and rare chlordane discharges should not be deemed controllable and inclusion of the effluent limit is in error.

7. The Regional Water Board Improperly included Final Effluent Limits for Mercury and Selenium.

Mercury and selenium are currently being addressed through the development of Total Maximum Daily Loads (TMDLs) to protect the beneficial uses for San Francisco Bay. Requiring final limits that are unachievable by the District for constituents that are awaiting adoption and approval of TMDLs is inappropriate. These final limits should only be provided for reference in the findings and should not be enforceable. The District requests removal of these final concentration limits.

EPA Region 9 has provided an opinion that TMDLs cannot be used to delay the implementation of a final limit in a permit. This is an opinion of EPA Region 9, expressed through their recent SIP disapproval action. However, this is not a regulation adopted by either the state of California nor the USEPA. Furthermore, EPA's recent action is contrary to appellate case law that affirms the deference of final numeric effluent limits until a TMDL can be implemented. For these reasons, the District strongly objects to having final limits and a Cease and Desist Order ("CDO") for mercury when the District and other San Francisco Bay Area POTWs have worked tirelessly with the Clean Estuary Partnership ("CEP"), the Regional Water Board and the State Water Board to have a final mercury TMDL adopted. In fact, a mercury watershed permit, which will implement the adopted TMDL with very specific requirements for numeric mass and concentration limitations as well as required activities, has been released as a second tentative order and is scheduled to be adopted by the Regional Water Board at its October 10, 2007 public hearing. Now the District is essentially being punished just because a final TMDL has not been approved by USEPA for mercury, and not been adopted by the Regional Water Board for selenium. The District urges the State Water Board to question EPA Region 9's recent action and to repromulgate compliance schedule authority to deal with TMDL-based schedules as well as allow compliance schedules for any new or more stringent effluent limit imposed. In the interim, the State Water Board should overturn the use of final limits prior to the implementation of a TMDL.

B. The Regional Water Board Improperly Imposed Compliance Schedule Action Plans in the Permit and CDO.

This Permit includes compliance schedules for pollutants that have been banned for use or for which wastewater treatment plant effluents have been identified as non-significant sources. *See* Permit at pgs. 21-23. Additionally, each pollutant is already being addressed through an alternative regulatory strategy that will appropriately resolve beneficial use concerns for the San Francisco Bay. The compliance schedules in the Permit and/or the CDO are overly burdensome for every constituent, as specified below:

1. Chlordane. Chlordane was banned for use as a pesticide in the United States 19 years ago in 1988. Since then, chlordane has been banned in many other countries around the world as well. To include nine separate tasks to reduce chlordane in municipal wastewater effluent, when the effluent limit is based on only one non-quantified, non-reproducible data point, is unsupportable and a waste of public resources.

2. Dioxin. The dioxin congeners found in fish tissue samples, which form the basis for the dioxin 303(d) listing are different than the congeners detected in publicly-owner treatment works. Given that the sources of dioxin are uncontrollable by municipal wastewater treatment plants and are primarily introduced through air deposition, the compliance requirements for dioxin reduction in the effluent will have little, if any, environmental benefit to reduce the concentrations of dioxin congeners found in fish tissue. Thus, a *de minimus* exception should be granted in this case. *See Ober v. USEPA*, 243 F.3d 1190, 1195 (9th Cir. 2001)("de minimis exception is allowed for regulation yielding trivial gain.")

3. Mercury. The Regional Water Board has been in the process of developing a mercury TMDL for at least ten years. The mercury TMDL recently approved by the Regional and State Water Boards contains requirements that have been developed in a meaningful and deliberate way to address the mercury issue holistically. Bay Area POTWs are ready to implement the mercury TMDL through activities that will address impairment in San Francisco Bay. This is in contrast to the requirements in the CDO that mandate extensive actions, including significant expenditures of public funds, within the next three to six months solely

because the State Water Board has not yet approved the mercury TMDL. This timeline is completely unreasonable given the history of the TMDL process and the insignificant contribution of mercury by municipal wastewater treatment plants to San Francisco Bay.

4. Selenium. The District is concerned that the activities being required for selenium are inappropriate because a TMDL for selenium will be developed in the near future. Therefore, significant studies and capital improvements are premature for this municipal discharger. In addition, quality control for sampling and analysis should be investigated first and further actions taken only if warranted.

For these reasons, the action plans in the Permit and/or CDO should be revised to remove all activities related to installation of capital improvements. In addition, any pollution prevention activities should be identical to resolutions or orders already adopted by the Regional Water Board for specific constituents, such as mercury and cyanide. No new or different activities should be required for these constituents.

C. The Regional Water Board improperly relies on the use of a mass offset program for meeting 303(d)-listed pollutant limits.

Section C2.c of the Special Provisions within the Permit provides that a discharger may seek approval of a mass offset plan to reduce 303(d)-listed pollutants if the discharger can demonstrate that the net reduction of total mass loadings of such pollutants can not be achieved through economically feasible measures "such as aggressive source control, wastewater reuse and treatment plant optimization." This reference to an optional offset program, as an alternative to compliance with final limits for dioxin-TEQ and other 303(d)-listed pollutants, is misleading as no program for such offsets currently exists. From a pragmatic prospective, POTWs could view this provision as a much needed lifeline to potentially prevent the inexorable drift towards non-compliance with effluent limits such as for dioxin-TEQ. To the contrary, the District contends it should be viewed as a potentially misleading suggestion that POTWs are a cause of the dioxin contamination in the Bay and that effluent limitations are a realistic solution to its removal. This provision potentially obscures the inappropriateness of including final limits which all concerned parties recognize can not be met and for which Mandatory Minimum

Penalties may be imposed in the not too distant future. There are tremendous challenges to develop such an offset program which will survive both regulatory and legal review. The District believes that reference to such a non-existent program is not a realistic solution and it is misleading for the Regional Water Board to suggest at this time that it is a solution to the conundrum created by its inclusion in permits of the final limits for dioxin-TEQ and potentially other 303(d)-listed pollutants.

D. The Regional Water Board Improperly Imposed Requirements for the Regionally-Developed Portion of the Pollutant Minimization Program.

The District does not currently have a Pollution Prevention Program (despite the language in the permit that indicates the District should "improve ...its existing...Program..."), because the District's flow rate is less than 5 mgd and it is therefore not required to have a pretreatment program. The District objects to the inclusion of detailed requirements for the regionally-developed portion of the Pollution Prevention Program (recently renamed a Pollutant Minimization Program) in the permit as too burdensome for such a small discharger. *See* Permit at pg. 17.

In addition, California Water Code § 13263.3(k) prohibits the State Board or Regional Water Board from including a Pollution Prevention Plan ("PPP") in any waste discharge requirements or other permits. Furthermore, in the *Tosco Order*, the State Board stated: "The Regional Water Board cannot require in a permit that a discharger implement a Pollution Prevention Plan." Order WQ 2001-06 at 61. Thus, the Permit cannot require the implementation of a Pollution Prevention Plan. For the above-stated reasons, the State Board should direct the Regional Water Board to remove the PPP from the District's Permit, or at least remove the requirement to "conduct" the PPP.

V. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED:

The District is aggrieved as a permit holder subject to conditions and limitations which may be more stringent or onerous than required or provided for under current law. Accordingly, the District will be required to expend portions of its limited assets to comply within inappropriate or unlawful permit conditions for 2,3,7,8-TCDD TEQ, chlordane, mercury, and

selenium, as well as spending funds for inappropriate compliance schedule requirements related to source control and its capital improvement program, implementing a pollutant minimization program, and investigating use of a non-existent mass offset program. Given that the District's resources are limited, it is aggrieved when it is forced to use resources to accomplish ends which are unnecessary and/or not required by law. This aggrievment is exacerbated when, in its judgment, these additional efforts are not likely to provide for measurable betterment to the water quality of its receiving waters. The District is also aggrieved because it will be exposed to greater jeopardy for non-compliance of Permit and Cease and Desist provisions and an increased exposure to third party lawsuits.

In conclusion these limits may also require the District to investigate or undertake the use of mass offset programs which will siphon off resources that could be more appropriately used for improving water quality in other ways. Ultimately, investigation and potential inclusion in mass offset programs may result in no useful solution, as such programs may not be implemented or if implemented, thereafter found to be inconsistent with current law and regulation. Reference to such a program diverts attention from the tenuous course that has been chosen to impose limits which can not be met. Furthermore, the District is aggrieved by the imposition of final effluent limitations for dioxin-TEQ, chlordane, mercury and selenium because the Regional Water Board may refuse to relax those effluent limitations in the future, even where technically and legally justified, based on incorrect or on overly conservative anti-backsliding analysis.

The District is further aggrieved by the inclusion of each of the unlawful and excessive permit conditions which it can not now, or in the immediate future comply with, because it will be subject to penalties and citizen suits in accordance with the CWA and the California Water Code. Given rapidly changing technology and the diverse enforcement mechanism available the potential legal exposure for future potential violations of even currently unquantifiable amounts of dioxin TEQ and chlordane is nonetheless potentially great.

///

VI. THE SPECIFIC ACTION BY THE STATE OR REGIONAL WATER BOARD REQUESTED:

The District seeks an Order by the State Water Board that will remand the Permit to the Regional Water Board with direction for revisions as follows:

A. Delete the effluent limitation for 2,3,7,8-TCDD TEQ or reconsider them in light of the limitations of the bioaccumulation objective to controllable water quality factors, and in light of the requirements of the Basin Plan and Water Code §§ 13263 and 13241.

B. Delete the effluent limitations for chlordane and direct that the Order be modified for the District to perform additional testing to ascertain whether the single test result can be confirmed so as to provide for an adequate basis for determination of reasonable potential.

C. Delete the final effluent limitations for mercury and selenium and direct the Regional Water Board to modify the Permit provided that the District undertake a study to ascertain appropriate lab analysis procedures for selenium and proceed with additional testing in order to allow appropriate determination of reasonable potential.

D. Delete the requirement to conduct a pollutant minimization program.

VII. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THIS PETITION:

The District's preliminary statement of points and authorities is set forth in Section 4 above. The District reserves the right to supplement this statement upon receipt and review of the administrative record.

VIII. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL WATER BOARD:

A true and correct copy of the Petition was mailed by Federal Express overnight mail on September 7, 2007, to the Regional Water Board at the following address:

Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board,
San Francisco Region

1515 Clay Street, Suite 1400
Oakland, California 94612

IX. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL WATER BOARD

The substantive issues and objections in this petition were raised before the Regional Water Board.

X. REQUEST TO HOLD PETITION IN ABEYANCE

The District requests that the State Water Board hold this petition in abeyance pursuant to Title 23, California Code of Regulations, section 2050.5, subdivision (d), to allow time for the District to attempt to resolve its concerns with the Regional Water Board informally.

Dated: September 7, 2007

Respectfully submitted,

MEYERS, NAVE, RIBACK, SILVER & WILSON

By _____
KENTON L. ALM
Attorney for Petitioner
SAUSALITO-MARIN CITY SANITARY DISTRICT

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EXHIBIT A

California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
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Arnold Schwarzenegger
Governor

REVISED TENTATIVE ORDER
NPDES NO. CA0038067

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order.

Table 1. Discharger Information

Discharger	Sausalito-Marin City Sanitary District
Name of Facility	Sausalito-Marin City Sanitary District Wastewater Treatment Plant and Its Collection System
Facility Address	#1 Fort Baker Road
	Sausalito, CA 94965
	Marin County

The Discharger is authorized to discharge from the following discharge point as set forth below.

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Secondary treated POTW effluent	37° 50' 37" N	122° 28' 03" W	Central San Francisco Bay

Table 3. Administrative Information

This Order was adopted by the Regional Water Board on:	**<Adoption Date>**
This Order shall become effective on:	**October 1, 2007**
This Order shall expire on:	**September 30, 2012**
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a major discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 00-060 and R2-2003-0109 are rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **<Adoption Date>**.

Bruce H. Wolfe, Executive Officer

TABLE OF CONTENTS

I. Facility Information 3
II. Findings 3
III. Discharge Prohibitions 7
IV. Effluent Limitations and Discharge Specifications 8
V. Receiving Water Limitations 12
VI. Provisions 13
VII. Compliance Determination 23

ATTACHMENTS

Attachment A – Definitions A-1
Attachment B – Location Map B-1
Attachment C – Flow Diagram C-1
Attachment D – Federal Standard Provisions D-1
Attachment E – Monitoring and Reporting Program E-1
Attachment F – Fact Sheet F-1
Attachment G – Regional Water Board Attachments G-1

TABLES

Permit Tables
Table 1. Discharger Information 1
Table 2. Discharge Location 1
Table 3. Administrative Information 1
Table 4. Facility Information 3
Table 5. Central San Francisco Bay Beneficial Uses 5
Table 6. Conventional Pollutant Effluent Limitations 8
Table 7. Effluent Limitations of Toxic Substances 9
Table 8. Minimum Levels 10
Monitoring and Reporting Program Tables
Table E-1. Test Methods and Minimum Levels E-1
Table E-2. Description of Monitoring Stations E-2
Table E-3. Influent Monitoring Requirements E-2
Table E-4. Schedule of Sampling and Analysis at M-001 ..... E-3
Table E-5. Schedule of Sampling and Analysis at M-002 ..... E-4
Table E-6. Monitoring Period E-10
Fact Sheet Tables
Table F-1. Facility Information F-1
Table F-2. Outfall Location F-2
Table F-3. Pollutant Effluent Limitations F-4
Table F-4. Toxic Substances Effluent Limitations F-5
Table F-5. Compliance Summary F-5
Table F-6. Status of Special Activities in Provisions for Order 01-105 ..... F-6
Table F-7. Summary of Technology-Based Effluent Limitations F-16
Table F-8. Central San Francisco Bay Beneficial Uses F-18
Table F-9. Metal Translators F-20
Table F-10. Reasonable Potential Analyses Results F-23
Table F-11. Effluent Limitations Calculations F-30
Table F-12. Summary of Numeric WQBELs F-32

I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order.

Table 4. Facility Information

Discharger	Sausalito-Marin City Sanitary District
Name of Facility	Sausalito-Marin City Sanitary District Wastewater Treatment Plant and Its Collection System
Facility Address	#1 Fort Baker Road Sausalito, CA 94965 Marin County
Facility Contact, Title, and Phone	Robert Simmons, General Manager, (415) 332-0244
Mailing Address	P.O. Box 39 Sausalito, CA 94966
Type of Facility	Publicly Owned Treatment Plant (POTW)
Facility Design Flow	1.8 million gallons per day (MGD) average dry weather flow 6.0 MGD secondary treatment capacity

II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Water Board), finds:

A. **Background.** Sausalito-Marin City Sanitary District (hereinafter the Discharger) is currently discharging under Order No. 00-060 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038067. Board Order No. R2-2003-0109 amends Order No. 00-060 to allow for Enterococci bacteria monitoring instead of total bacteria monitoring. The Discharger submitted a Report of Waste Discharge, dated January 2005, and applied for an NPDES permit reissuance to discharge treated wastewater to the Central San Francisco Bay, a water of the United States, via a submerged diffuser. The application was deemed complete on August 9, 2005.

B. **Facility Description.** The Discharger owns and operates a wastewater treatment plant, located at #1 Fort Baker Road, Sausalito, Marin County, California. The location of the facility is shown in Attachment B. The plant provides secondary level treatment for domestic wastewater from the City of Sausalito, Marin City, Tamalpais Community Services District, and Golden Gate National Recreation Area. The Discharger's service area has an approximate population of 18,500. The treatment plant has an average dry weather flow of about 1.3 million gallons per day (MGD) and a maximum wet weather design flow of 6.0 MGD. Wet weather conditions sometime exceed 6.0 MGD due to infiltration into the collection system. Under these conditions, the excess flow above 6.0 MGD is diverted from the biological treatment units directly to the secondary clarifiers.

The Discharger's collection system includes about 10 miles of sanitary sewer lines and seven pump stations. The Discharger owns and operates all of the seven pump stations and about 5.5 miles of sanitary sewer lines in the unincorporated areas including Marin City and about 4.5 miles of gravity sewer and force mains that make up the Discharger's conveyance system. About 70 miles of sanitary sewer lines are owned and operated by the City of Sausalito, Tamalpais Community Service District, and Golden Gate National Recreational Area.

The treatment facility flow schematic is shown in Attachment C. The treatment processes consist of primary sedimentation, followed by biological treatment using fixed-film reactors, followed by secondary clarification, rotating disk screening, sand filtration, chlorination and dechlorination. The treated effluent is discharged 300 feet offshore at a 30-foot depth into Central San Francisco Bay through a submerged diffuser.

C. **Legal Authorities.** This Order is issued pursuant to CWA section 402 and implementing regulations adopted by the USEPA and CWC Chapter 5.5, Division 7. It shall serve as an NPDES permit for point source discharges from the Discharger to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

D. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through G, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.

E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act in accordance with CWC section 13389, Chapter 3.

F. **Technology-Based Effluent Limitations.** NPDES regulations at 40 CFR §122.44(a) require that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR Part 133, Best Professional Judgment (BPJ) in accordance with 40 CFR §125.3, and Table 4-2 of the Basin Plan. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. **Water Quality-based Effluent Limitations.** 40 CFR Section 122.44(d) requires that where reasonable potential (RP) to cause or contribute to an exceedance of applicable water quality standards exists, permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives (WQOs) have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a) or proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, including site specific applicability, or an indicator parameter. A detailed discussion of the water quality-based effluent limitations is included in the Fact Sheet (Attachment F).

H. **Water Quality Control Plans.** The Regional Water Board adopted the *Water Quality Control Plan for the San Francisco Bay Basin* (the Basin Plan, revised in 2005) that designates beneficial uses, establishes WQOs, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to Central San Francisco Bay are as follows.

Table 5. Basin Plan Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Central San Francisco Bay	Ocean Commercial and Sport Fishing (COMM) Estuarine Habitat (EST) Industrial Service Supply (IND) Fish Migration (MIGR), Navigation (NAV) Industrial Process Water Supply (PROC) Preservation of Rare and Endangered Species (RARE) Water Contact Recreation (REC1) Non-contact Water Recreation (REC2) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD).

Requirements of this Order specifically implement the Basin Plan.

I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995, and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR, which incorporated the NTR criteria that were applicable in California. The CTR was amended on February 13, 2001. These rules include water quality criteria (WQC) for priority pollutants and are applicable to this discharge.

J. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds one year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement new or revised WQOs. This Order includes compliance schedules and interim effluent limitations. A detailed discussion of the basis for the compliance schedules and interim effluent limitations is included in the Fact Sheet (Attachment F).

L. **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.

M. **Stringency of Requirements for Individual Pollutants.** This Order contains restrictions on individual pollutants that are no more stringent than required by the federal CWA. Individual pollutant restrictions consist of technology-based restrictions and water quality-based effluent limitations. The technology-based effluent limitations consist of restrictions on BOD or CBOD, TSS, Oil and Grease, pH, and chlorine residual. Restrictions on these pollutants are specified in federal regulations and have been in the Basin Plan since before May 30, 2000, as discussed in the attached Fact Sheet, Attachment F. The permit's technology-based pollutant restrictions are no more stringent than required by the CWA. WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant WQBELs were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR 131.38. The scientific procedures for calculating the individual WQBELs are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by USEPA on January 5, 2005, and are applicable water quality standards pursuant to 40 CFR 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

N. **Antidegradation Policy.** 40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of federal antidegradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F), the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution No. 68-16.

O. **Anti-Backsliding Requirements.** CWA sections 402(o) (2) and 303(d)(4) and NPDES regulations at 40 CFR §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. Some effluent limitations in the previous Order have been removed. As discussed in detail in the Fact Sheet (Attachment F), this removal of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

P. **Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

Q. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger (Attachment G). A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

R. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to adopt an NPDES permit and prescribe Waste Discharge Requirements (WDRs) for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F).

S. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

A. Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.

B. Discharge of treated wastewater at any point where it does not receive an initial dilution of at least 10:1 is prohibited.

C. The bypass of untreated or partially treated wastewater to waters of the United States is prohibited, except as provided for in the conditions stated in 40 CFR 122.41(m)(4) and in A.13 of the *Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993* (Attachment G).

Blended wastewater is biologically treated wastewater blended with wastewater that has been diverted around biological treatment units or advanced treatment units. Such discharges are approved under the bypass conditions stated in 40 CFR 122.41(m)(4) (1) when the Discharger's peak wet weather influent flow volumes exceed the capacity of the secondary treatment unit(s) of 6.0 MGD, (2) when the discharge complies with the effluent and receiving water limitations contained in this Order, and (3) provided the Discharger satisfy Provision VI.C.5.c. Furthermore, the Discharger shall operate its facility as designed and in accordance with the Operation & Maintenance Manual developed for the facility. This means that it shall optimize storage and use of equalization units, and shall fully utilize the biological treatment units and advanced treatment units, if applicable. The Discharger shall report incidents of the anticipated blended effluent discharges in routine monitoring reports, and shall conduct monitoring of this discharge as specified in the attached MRP (Attachment E).

D. The average dry weather flow, as measured at station M-001 described in the attached MRP (Attachment E), shall not exceed 1.8 MGD. Actual average dry weather flow shall be determined for compliance with this prohibition over three consecutive dry weather months each year.

E. Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

1. Effluent Limitations for Conventional Pollutants.

The discharge of secondary treated wastewater to Central San Francisco Bay shall maintain compliance with the following effluent limitations, with compliance measured at the effluent Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E). The discharge from Discharge Point No. 001 shall not exceed the following limitations.

Table 6. Conventional Effluent Limitations for Discharge Point No. M-001

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Carbonaceous BOD, 5-day @ 20°C ($CBOD_5$)	mg/L	25	40	---	---	---
Percent Removal of $CBOD_5$	%	85	---	---	---	---
Total Suspended Solids (TSS)	mg/L	30	45	---	---	---
TSS percent removal	%	85	---	---	---	---
pH (1)	Standard units	---	---	---	6.0	9.0
Total Chlorine Residual (2)	mg/L	---	---	---	---	0.0
Oil and Grease	mg/L	10	---	20	---	---

Footnotes for Table 6:
(1) If the Discharger monitors pH continuously, Pursuant to 40 CFR § 401.17, the Discharger shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied: (i) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the range of pH values shall exceed 60 minutes.

(2) Requirement defined as below the limit of detection in standard test methods defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*. The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine residual and sodium bisulfite (or other dechlorinating chemical) dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff may conclude that these false positive chlorine residual exceedances are not violations of this permit limitation.

2. **Total Coliform Bacteria**: The five-sample median total coliform density shall not exceed 240 MPN/100 mL and the daily maximum value shall not exceed 10,000 MPN/100mL at M-001.

3. **Effluent Limitations for Toxics Substances**: The discharge of treated wastewater shall maintain compliance with the effluent limitations listed in Table 7 for toxic pollutants, at M-001, as described in the attached MRP (**Attachment E**):

Table 7. Effluent Limitations for Toxic Substances [1,3]

Constituent	Water Quality-Based Effluent Limits (WQBELs)		Interim Limits	
	Maximum Daily (MDEL) (µg/L)[7]	Average Monthly (AMEL) (µg/L)[7]	Maximum Daily (µg/L)	Average Monthly (µg/L)
Copper [2]	100	73	---	---
Mercury	0.034	0.023	---	---
Selenium	9.0	3.7	---	---
Zinc	670	500	---	---
Cyanide	46	19	---	---
Bis(2-ethylhexyl)phthalate	110	55	---	---
Dioxin-TEQ[4]	2.8E-08	1.4E-08	---	---
Chlordane[5]	0.0012	0.00059	0.1	---
Total Ammonia (as N)	380	180	---	---

Footnotes for Table 7:

(1) (a) All analyses shall be performed using current U.S. EPA approved methods, or equivalent methods approved in writing by the Executive Officer.

(b) Limitations apply to the average concentration of all samples collected during the averaging period (daily =24-hour period; monthly =calendar month).

(c) All metal limitations are total recoverable.

(2) Alternate Effluent Limits for Copper:

a. If a copper SSO for the receiving water becomes legally effective, resulting in adjusted saltwater CCC of 2.5 µg/L and CMC of 3.9 µg/L as documented in the *North of Dumbarton Bridge Copper and Nickel Site-Specific Objective (SSO) Derivation (Clean Estuary Partnership December 2004)*, upon its effective date, the following limitations shall supersede those copper limitations listed in Table 7 (the rationale for these effluent limitations can be found in the Fact Sheet [Attachment F]).

MDEL of 75 µg/L, and AMEL of 55 µg/L.

(3) Minimum Levels. The Discharger shall achieve the following minimum levels for compliance determination purposes as defined in Section VII of this Order.

Table 8. Minimum Levels

Constituent	Minimum Level	Units
Copper	0.5 or 2	µg/L
Mercury	0.0005	µg/L
Selenium	2 or 5	µg/L
Zinc	1, 10 or 20	µg/L
Cyanide	5	µg/L
Bis(2-ethylhexyl)phthalate	5	µg/L
Chlordane	0.1	µg/L
Dioxin-TEQ	½ the USEPA specified	pg/L

Constituent	Minimum Level	Units
	MLs for Method 1613	
2,3,7,8-TCDD	5	pg/L
1,2,3,7,8-PeCDD	25	pg/L
1,2,3,4,7,8-HxCDD	25	pg/L
1,2,3,6,7,8-HxCDD	25	pg/L
1,2,3,7,8,9-HxCDD	25	pg/L
1,2,3,4,6,7,8-HpCDD	25	pg/L
OCDD	50	pg/L
2,3,7,8-TCDF	5	pg/L
1,2,3,7,8-PeCDF	25	pg/L
2,3,4,7,8-PeCDF	25	pg/L
1,2,3,4,7,8-HxCDF	25	pg/L
1,2,3,6,7,8-HxCDF	25	pg/L
1,2,3,7,8,9-HxCDF	25	pg/L
2,3,4,6,7,8-HxCDF	25	pg/L
1,2,3,4,6,7,8-HpCDF	25	pg/L
1,2,3,4,7,8,9-HpCDF	25	pg/L
OCDF	50	pg/L

(4) The WQBEL for dioxin-TEQ shall become effective on October 1, 2017

(5) The WQBEL for chlordane shall become effective on May 18, 2010

(6) The WQBEL for Total Ammonia are expressed in mg/L.

4. Acute Toxicity

a. Representative samples of the discharge at M-001 shall meet the following limitations for acute toxicity. Bioassays shall be conducted in compliance with Section V.A of the Monitoring and Reporting Program (MRP, Attachment E).

The survival of organisms in undiluted effluent shall be an eleven (11) sample median value of not less than 90 percent survival, and an eleven (11) sample 90 percentile value of not less than 70 percent survival.

b. These acute toxicity limitations are further defined as follows:

11 sample median: Any bioassay test showing survival of 90 percent or greater is not a violation of this limit. A bioassay test showing survival of less than 90 percent represents a violation of this effluent limit if five or more of the past ten or less bioassay tests show less than 90 percent survival.

90th percentile: A bioassay test showing survival of less than 70 percent represents a violation of this effluent limit if one or more of the past ten or less bioassay tests show less than 70 percent survival.

c. Bioassays shall be performed using the most up-to-date USEPA protocol and the most sensitive species as specified in writing by the Executive Officer based on the most recent screening test results. Bioassays shall be conducted in compliance with "Methods

for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms," currently 5th Edition (EPA-821-R-02-012), with exceptions granted to the Discharger by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP) upon the Discharger's request with justification.

d. If the Discharger can demonstrate to the satisfaction of the Executive Officer that toxicity exceeding the levels cited above is caused by ammonia and that the ammonia in the discharge is in compliance with effluent limits, then such toxicity does not constitute a violation of this effluent limitation.

5. Chronic Toxicity

a. Compliance with the Basin Plan narrative chronic toxicity objective shall be demonstrated according to the following tiered requirements based on results from representative samples of the discharge, as measured at M-001, meeting test acceptability criteria and Section V.B of the MRP (Attachment E). Failure to conduct the required toxicity tests or a TRE within a designated period shall result in the establishment of effluent limitations for chronic toxicity.

1) Conduct routine monitoring.

2) Accelerate monitoring after exceeding a three sample median value of 10 chronic toxicity units (TUc) or a single sample maximum of 20 TUc or greater. Accelerated monitoring shall consist of monthly monitoring.

3) Return to routine monitoring if accelerated monitoring does not exceed either "trigger" in (2), above.

4) If accelerated monitoring confirms consistent toxicity above either "trigger" in (2), above, initiate toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) in accordance with a workplan submitted in accordance with Section V.B of the MRP (Attachment E), and that incorporates any and all comments from the Executive Officer;

5) Return to routine monitoring after appropriate elements of TRE workplan are implemented and either the toxicity drops below "trigger" levels in (2), above, or, based on the results of the TRE, the Executive Officer authorizes a return to routine monitoring.

b. Test Species and Methods

The Discharger shall conduct routine monitoring with the test species and protocols specified in Section V.B of the MRP (Attachment E). The Discharger shall also perform Chronic Toxicity Screening Phase monitoring as described in the Appendix E-1 of the MRP (Attachment E). Chronic Toxicity Monitoring Screening Phase Requirements, Critical Life Stage Toxicity Tests and definitions of terms used in the chronic toxicity monitoring are identified in Appendices E-1 and E-2 of the MRP (Attachment E).

6. Mass Emission Limits for Mercury and Selenium

Until TMDL and wasteload allocation (WLA) efforts for mercury and selenium provide enough information to establish a different WQBEL, the Discharger shall demonstrate that the current mercury and selenium mass loadings to the receiving water do not increase by complying with the following:

a. Mass limit. The 12-month moving average annual load shall not exceed 0.042 kilograms per month (kg/mo) for mercury and 5.76 kg/mo for selenium.

b. Compliance with this limit shall be evaluated using 12-month moving average mass loading over the previous 12 months of monitoring, computed as described below:

Monthly Mass Loading (kg/mo) =monthly plant discharge flow (in MGD) from the Outfall (001) × monthly effluent concentration measurements (in μg/L) corresponding to the above flow, for samples taken at 001 × 0.1151 (conversion factor to convert million gallons/day × µg/L to kg/mo).

12-month Moving Average Mass Loading =Running average of last 12 monthly mass loadings in kg/mo.

c. The mercury and selenium TMDLs and their WQBELs and WLAs will supersede the mercury and selenium WQBELs listed in Table 7 and these mass emission limitations upon its implementation through a permit amendment. The Clean Water Act's anti-backsliding rule, Section 402(o), indicates that this Order may be modified to include a less stringent requirement following adoption of the TMDL and WLA, if the requirements for an exception to the rule are met.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in Central San Francisco Bay.

1. The discharge shall not cause the following conditions to exist in waters of the State:

a. Floating, suspended, or deposited macroscopic particulate matter or foams;

b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;

c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

d. Visible, floating, suspended, or deposited oil and other products of petroleum origin; and

e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which

render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State within one foot of the water surface:

   a. Dissolved Oxygen — 5.0 mg/L, minimum

      The median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, then the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.

   b. Dissolved Sulfide — Natural background levels

   c. pH — Within 6.5 and 8.5

   d. Nutrients: — Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

B. Groundwater Limitations

N/A

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 all applicable items of the *Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993* (Attachment G), and any amendments thereto. Where provisions or reporting requirements specified in this Order and Attachment G are different for equivalent or related provisions or reporting requirements given in the Standard Provisions in Attachment D, the specifications of this Order and/or Attachment G shall apply in areas where those provisions are more stringent. Duplicative requirements in the federal Standard Provisions in VI.A.1.2, above (Attachment D) and the regional Standard Provisions (Attachment G) are not separate requirements. A violation of a duplicative requirement does not constitute two separate violations.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program (MRP), and future revisions thereto, in Attachment E of this Order. The Discharger shall also comply with the requirements contained in *Self-Monitoring Program, Part A, August 1993* (Attachment G).

C. Special Provisions

1. Reopener Provisions

The Regional Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances as allowed by law:

a. If present or future investigations demonstrate that the discharge(s) governed by this Order will or have a reasonable potential to cause or contribute to, or will cease to, have adverse impacts on water quality and/or beneficial uses of the receiving waters.

b. If new or revised WQOs, or TMDLs come into effect for the San Francisco Bay estuary and contiguous water bodies (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order will be modified as necessary to reflect updated WQOs and waste load allocations in TMDLs.

c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified.

d. If administrative or judicial decision on a separate NPDES permit or WDR that addresses requirements similar to this discharge; and

e. As authorized by law.

The Discharger may request permit modification based on b, c, d, and e above. The Discharger shall include in any such request an antidegradation and antibacksliding analysis.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Effluent Characterization for Selected Constituents

The Discharger shall continue to monitor and evaluate the discharge from M-001 for the constituents listed in Enclosure A of the Regional Water Board's August 6, 2001 Letter, according to the sampling frequency specified in the attached MRP (Attachment E). Compliance with this requirement shall be achieved in accordance with the specifications stated in the Regional Water Board's August 6, 2001 Letter under Effluent Monitoring for Major Discharger.

The Discharger shall evaluate on an annual basis if concentrations of any constituent increase over past performance. The Discharger shall investigate the cause of the increase. The investigation may include, but need not be limited to, an increase in the effluent monitoring frequency, monitoring of internal process streams, and monitoring of influent sources. This may be satisfied through identification of these constituents as "Pollutants of Concern" in the Discharger's Pollutant Minimization Program described in Provision C.3.b, below. A summary of the annual evaluation of data and source investigation activities shall also be reported in the annual self-monitoring report.

A final report that presents all the data shall be submitted to the Regional Water Board no later than 180 days prior to the Order expiration date. This final report shall be

submitted with the application for permit reissuance. This requirement can be met through the submittal of receiving water data as it becomes available by BACWA or SFEI.

b. Ambient Background Receiving Water Study

The Discharger shall collect or participate in collecting background ambient receiving water monitoring for priority pollutants that is required to perform an RPA and to calculate effluent limitations. The data on the conventional and certain non-conventional water quality parameters (pH, salinity, and hardness) shall also be sufficient to characterize these parameters in the receiving water at a point after the discharge has mixed with the receiving waters. This provision may be met through monitoring through the Collaborative BACWA Study, or a similar ambient monitoring program for San Francisco Bay. This permit may be reopened, as appropriate, to incorporate effluent limits or other requirements based on Regional Water Board review of these data.

Final Report: The Discharger shall submit (or cause to be submitted on its behalf) a final report that presents all the data to the Regional Water Board 180 days prior to Order expiration. This final report shall be submitted with the application for permit reissuance.

c. Optional Mass Offset

If the Discharger can demonstrate that further net reductions of the total mass loadings of 303(d)-listed pollutants to the receiving water cannot be achieved through economically feasible measures such as aggressive source control, wastewater reuse, and treatment plant optimization, but only through a mass offset program, the Discharger may submit to the Regional Water Board for approval a mass offset plan to reduce 303(d)-listed pollutants to the same watershed or drainage basin. The Regional Water Board may modify this Order to allow an approved mass offset program.

3. Best Management Practices and Pollutant Minimization Program

a. The Discharger shall continue to improve, in a manner acceptable to the Executive Officer, its existing Pollutant Minimization Program to promote minimization of pollutant loadings to the treatment plant and therefore to the receiving waters.

b. The Discharger shall submit an annual report, acceptable to the Executive Officer, no later than February 28 of each calendar year. Each annual report shall include at least the following information:

i. *A brief description of its treatment plant, treatment plant processes and service area.*

ii. *A discussion of the current pollutants of concern.* Periodically, the discharger shall analyze its own situation to determine which pollutants are currently a problem and/or which pollutants may be potential future

problems. This discussion shall include the reasons why the pollutants were chosen.

iii. *Identification of sources for the pollutants of concern.* This discussion shall include how the Discharger intends to estimate and identify sources of the pollutants. The Discharger should also identify sources or potential sources not directly within the ability or authority of the Discharger to control, such as pollutants in the potable water supply and air deposition.

iv. *Identification of tasks to reduce the sources of the pollutants of concern.* This discussion shall identify and prioritize tasks to address the Discharger's pollutants of concern. The Discharger may implement tasks themselves or participate in group, regional, or national tasks that will address its pollutants of concern. The Discharger is strongly encouraged to participate in group, regional, or national tasks that will address its pollutants of concern whenever it is efficient and appropriate to do so. A time line shall be included for the implementation of each task.

v. *Outreach to employees.* The Discharger shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the treatment facilities. The Discharger may provide a forum for employees to provide input to the program.

vi. *Continuation of Public Outreach Program.* The Discharger shall prepare a public outreach program to communicate pollution prevention to its service area. Outreach may include participation in existing community events such as county fairs, initiating new community events such as displays and contests during Pollution Prevention Week, conducting school outreach programs, conducting plant tours, and providing public information in newspaper articles or advertisements, radio or television stories or spots, newsletters, utility bill inserts, and web site. Information shall be specific to the target audiences. The Discharger shall coordinate with other agencies as appropriate.

vii. *Discussion of criteria used to measure Program's and tasks' effectiveness.* The Discharger shall establish criteria to evaluate the effectiveness of its Pollution Minimization Program. This shall also include a discussion of the specific criteria used to measure the effectiveness of each of the tasks in item b.iii., b.iv., b.v., and b.vi.

viii. *Documentation of efforts and progress.* This discussion shall detail all of the Discharger's activities in the Pollution Minimization Program during the reporting year.

ix. *Evaluation of Program's and tasks' effectiveness.* This Discharger shall utilize the criteria established in v.ii. to evaluate the Program's and tasks' effectiveness.

x. *Identification of specific tasks and time schedules for future efforts.* Based on the evaluation, the Discharger shall detail how it intends to continue or change its tasks in order to more effectively reduce the amount of pollutants to the treatment plant, and subsequently in its effluent.

c. Pollutant Minimization Program for Pollutants with Effluent Limitations

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

i. A sample result is reported as DNQ and the effluent limitation is less than the RL; or

ii. A sample result is reported as ND and the effluent limitation is less than the MDL, using definitions described in the SIP.

d. If triggered by the reasons in c. above, the Discharger's PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

i. An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures approved by the Executive Officer when it is demonstrated that source monitoring is unlikely to produce useful analytical data;

ii. Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system, or alternative measures approved by the Executive Officer, when it is demonstrated that influent monitoring is unlikely to produce useful analytical data;

iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;

iv. Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and

v. The annual report required by 3.b. above, shall specifically address the following items:

1. All PMP monitoring results for the previous year;

2. A list of potential sources of the reportable priority pollutant(s);

3. A summary of all actions undertaken pursuant to the control strategy; and

4. A description of actions to be taken in the following year.

4. Construction, Operation and Maintenance Specifications

a. Wastewater Facilities, Review and Evaluation, and Status Reports

(1) The Discharger shall operate and maintain its wastewater collection, treatment, and disposal facilities in a manner to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the Discharger's service responsibilities.

(2) The Discharger shall regularly review and evaluate its wastewater facilities and operation practices in accordance with section a.1 above. Reviews and evaluations shall be conducted as an ongoing component of the Discharger's administration of its wastewater facilities.

(3) The Discharger shall provide the Executive Officer, upon his or her request, a report describing the current status of its wastewater facilities and operation practices, including any recommended or planned actions and an estimated time schedule for these actions. The Discharger shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable wastewater facility programs or capital improvement projects.

b. Operations and Maintenance (O&M) Manual, Review and Status Reports

(1) The Discharger shall maintain an O&M Manual as described in the findings of this Order for the Discharger's wastewater facilities. The O&M Manual shall be maintained in usable condition, and available for reference and use by all applicable personnel.

(2) The Discharger shall regularly review, revise, or update, as necessary, the O&M Manual(s) so that the document(s) may remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and revisions or updates shall be completed as necessary. For any significant changes in treatment facility equipment or operation practices, applicable revisions shall be completed within 90 days of completion of such changes.

(3) The Discharger shall provide the Executive Officer, upon his or her request, a report describing the current status of its O&M Manual, including any recommended or planned actions and an estimated time schedule for these actions. The Discharger shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable changes to, its operations and maintenance manual.

c. Contingency Plan, Review and Status Reports

(1) The Discharger shall maintain a Contingency Plan as required by Regional Water Board Resolution No. 74-10 (Attachment G), and as prudent in accordance with current municipal facility emergency planning. The discharge of pollutants in violation of this Order where the Discharger has failed to develop and/or adequately implement a contingency plan will be the basis for considering such discharge a willful and negligent violation of this Order pursuant to Section 13387 of the California Water Code.

(2) The Discharger shall regularly review, and update as necessary, the Contingency Plan so that the plan may remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and updates shall be completed as necessary.

(3) The Discharger shall provide the Executive Officer, upon his or her request, a report describing the current status of its Contingency Plan review and update. The Discharger shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures, and applicable changes to, its Contingency Plan.

5. Special Provisions for POTW

a. Sludge Management Practices Requirements

1) All sludge generated by the Discharger must be disposed of in a municipal solid waste landfill, reused by land application, or disposed of in a sludge -only landfill in accordance with 40 CFR §503. If the Discharger desires to dispose of sludge by a different method, a request for permit modification must be submitted to USEPA 180 days before start-up of the alternative disposal practice. All the requirements in 40 CFR §503 are enforceable by USEPA whether or not they are stated in an NPDES permit or other permit issued to the Discharger. The Regional Water Board should be copied on relevant correspondence and reports forwarded to USEPA regarding sludge management practices.

2) Sludge treatment, storage and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, or result in groundwater contamination.

3) The Discharger shall take all reasonable steps to prevent or minimize any sludge use or disposal which has a likelihood of adversely affecting human health or the environment.

4) Sludge at the Discharger's facility shall not cause waste material to be in a position where it is or can be carried from the facility and deposited in waters of the State.

5) The sludge treatment and storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect boundaries of the site from erosion, and to prevent any conditions that would cause drainage from the materials in the temporary storage site. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.

6) For sludge that is applied to the land, placed on a surface disposal site, or fired in a sludge incinerator as defined in 40 CFR §503, the Discharger shall submit an annual report to USEPA and the Regional Water Board containing monitoring results and pathogen and vector attraction reduction requirements as specified by 40 CFR §503, postmarked February 15 of each year, for the period covering the previous calendar year.

7) Sludge that are disposed of in a municipal solid waste landfill must meet the requirements of 40 CFR §258. In the annual self-monitoring report, the Discharger shall include the amount of sludge disposed of and the landfill(s) to which it was sent.

8) Permanent on-site sludge storage or disposal activities are not authorized by this permit. A report of Waste Discharge shall be filed and the site brought into compliance with all applicable regulations prior to commencement of any such activity by the Discharger.

9) Sludge Monitoring and Reporting Provisions of this Regional Water Board's Standard Provisions (Attachment G), apply to sludge handling, disposal and reporting practices.

10) The Regional Water Board may amend this permit prior to expiration if changes occur in applicable state and federal sludge regulations.

b. Utility Analysis and Implementation Schedule for Wet Weather Bypass of Secondary Treatment

180 days prior to the Order expiration date, the Discharger shall complete a utility analysis if it seeks to continue to bypass peak wet weather flows around its secondary treatment units. The utility analysis must satisfy 40 CFR 122.4 (m)(4)(i)(A)-(C), and any applicable policy or guidance such as the process set forth in Part 1 of USEPA's Peak Wet Weather Policy's No Feasible Alternatives Analysis Process (available at *http://cfpub.epa.gov/npdes/wetweather.cfm*) once it is finalized. Specifically, the Discharger shall more fully evaluate the extent to which it maximizes its ability to reduce inflow/infiltration (I/I) throughout the entire collection system (i.e. not only the portions operated by the Discharger, but also portions operated by its member agencies), to the extent feasible, including the use of existing legal authorities, potential improvements in the timing or quality of such efforts, and options for obtaining or expanding legal authorities to reduce I/I from satellite collection systems.

c. Sanitary Sewer Overflows and Sewer System Management Plan

The Discharger's collection system is part of the facility that is subject to this Order. As such, the Discharge must properly operate and maintain its collection system (Attachment D, Standard Provisions - Permit Compliance, subsection I.D). The Discharger must report any noncompliance (Attachment D, Standard Provision - Reporting, subsections V.E.1 and V.E.2), and mitigate any discharge from the Discharger's collection system in violation of this Order (Attachment D,

Standard Provisions - Permit Compliance, subsection I.C). The General Waste Discharge Requirements for Collection System Agencies (Order No. 2006-0003 DWQ) has requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. While the Discharger must comply with both the General Waste Discharge Requirements for Collection System Agencies (General Collection System WDR) and this Order, the General Collection System WDR more clearly and specifically stipulates requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows. Implementation of the General Collection System WDR requirements for proper operation and maintenance and mitigation of spills will satisfy the corresponding federal NPDES requirements specified in this Order. Following reporting requirements in the General Collection System WDR will satisfy NPDES reporting requirements for sewage spills. Furthermore, the Discharger shall comply with the schedule for development of sewer system management plans (SSMPs) as indicated in the letter issued by the Regional Water Board on July 7, 2005, pursuant to Water Code Section 13267. Until the statewide on-line reporting system becomes operational, the Discharger shall report sanitary sewer overflows electronically according to the Regional Water Board's SSO reporting program.

6. Corrective Measures to Minimize Blending

The Discharger shall comply with the following tasks and deadlines to minimize blending events.

Task	Compliance Date
1. *Wet Weather Improvements.* Submit a technical report that evaluates alternatives for potential wet weather conveyance and treatment plant improvements. Comparisons of various alternatives should be based on costs, effectiveness, and implementability. The report should propose preferred alternative(s) based on the results of the analysis.	One year after the effective date of this Order
2. *Workplan.* Prepare a workplan to implement the measures proposed in the Feasibility Study.	90 days after completion of Task 1 above
3. The Discharger shall begin implementing the measures identified in its work plan.	In accordance with the Work Plan described in Task 2, above
4. *Completion Report.* The Discharger shall provide annual updates on its progress in completing measures specified in the workplan.	Annually with the Annual Self-Monitoring Report

7. Chlordane and Dioxin-TEQ Compliance Schedules

The Discharger shall comply with the following tasks and deadlines:

Task	Deadline
a. Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for dioxin-TEQ and chlordane are accurately determined and reported. Submit a report by the deadline describing the results of the investigation and any changes in quality assurance and quality control practices implemented.	January 1, 2008
b. Submit a plan for identifying all dioxin-TEQ and chlordane sources to the discharge.	April 1, 2008
c. Implement the plan developed in action "b" within 30 days of the deadline for action "b," and submit by the deadline for this action a report that contains an inventory of the pollutant sources.	August 1, 2008
d. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements: i. Maintain a list of sources of pollutants of concern. ii. Investigate each source to assess the need to include it in the program. iii. Identify and implement targeted actions to reduce or eliminate iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.	October 1, 2008
e. Continue to implement the program described in action "d" and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.	Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3
f. Comply with final limits for chlordane: 0.0012 µg/L MDEL 0.00059 µg/L AMEL	May 18, 2010
g. If by February 28, 2011, the above actions for dioxin-TEQ have not successfully brought the discharge into compliance with all Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance with dioxin-TEQ. These actions shall include, but not be limited to, reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities: i. Bench scale testing or pilot scale testing or both ii. Development of preliminary design specifications iii. Development of final design specifications	October 1, 2011

iv. Procurement of funding v. Acquisition of necessary permits and approvals vi. Construction	
h. Implement the plan required in action "f" within 45 days of the deadline for action "f," and submit annual status reports.	Annually each February 1 in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring and Reporting Program
i. Submit documentation confirming complete plan implementation and comply with effluent limits for dioxin-TEQ in the Permit.	October 1, 2017

8. Action Plan for Cyanide

The Discharger shall initiate implementation of an action plan for cyanide as described in Appendix I of *Staff Report on Proposed Site-Specific Water Quality Objectives for Cyanide for San Francisco Bay, December 4, 2006.*

Additionally, the Discharger shall investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for cyanide are accurately determined and reported. By no later than March 1, 2008, the Discharger shall submit a report that describes the results of this investigation and any changes in quality assurance and quality control practices implemented.

9. Action Plan for Copper

If and when the copper alternate limits in IV become effective, the Discharger shall initiate implementation of an action plan for copper in accordance with the Basin Plan Copper SSO Amendment

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

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.

ATTACHMENT A - DEFINITIONS

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

Arithmetic mean $= \mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

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

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

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

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

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

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

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

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

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

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

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

Enclosed Bays means 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 the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

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

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

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

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

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

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

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

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

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

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

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

Ocean Waters are 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. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

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

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

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

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

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

Satellite Collection System is 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.

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

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

$$\sigma = \sqrt{\frac{\Sigma(\bar{x} - \mu)^2}{n-1}}$$

where:

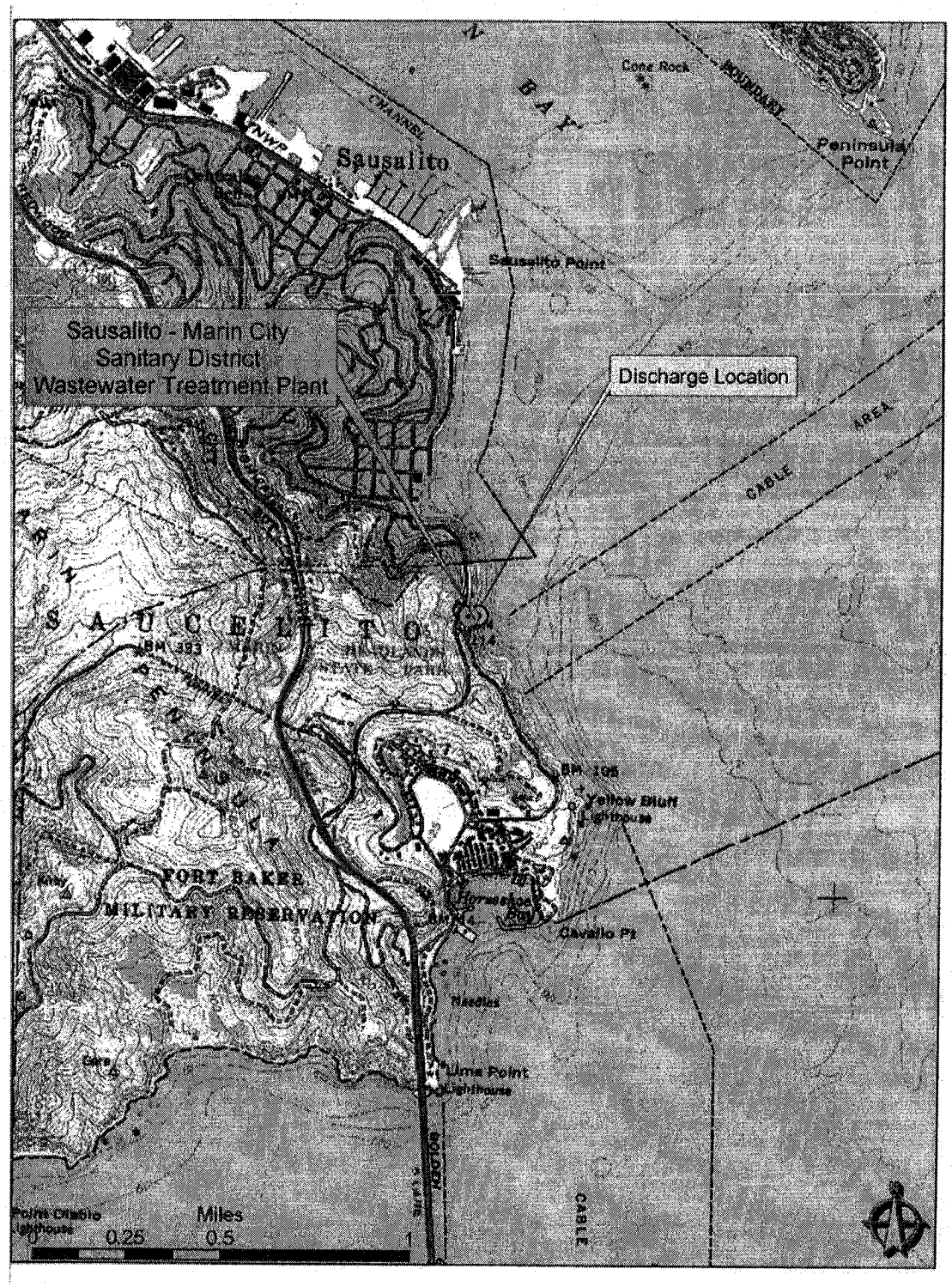
x is the observed value;

μ is the arithmetic mean of the observed values; and

n is the number of samples.

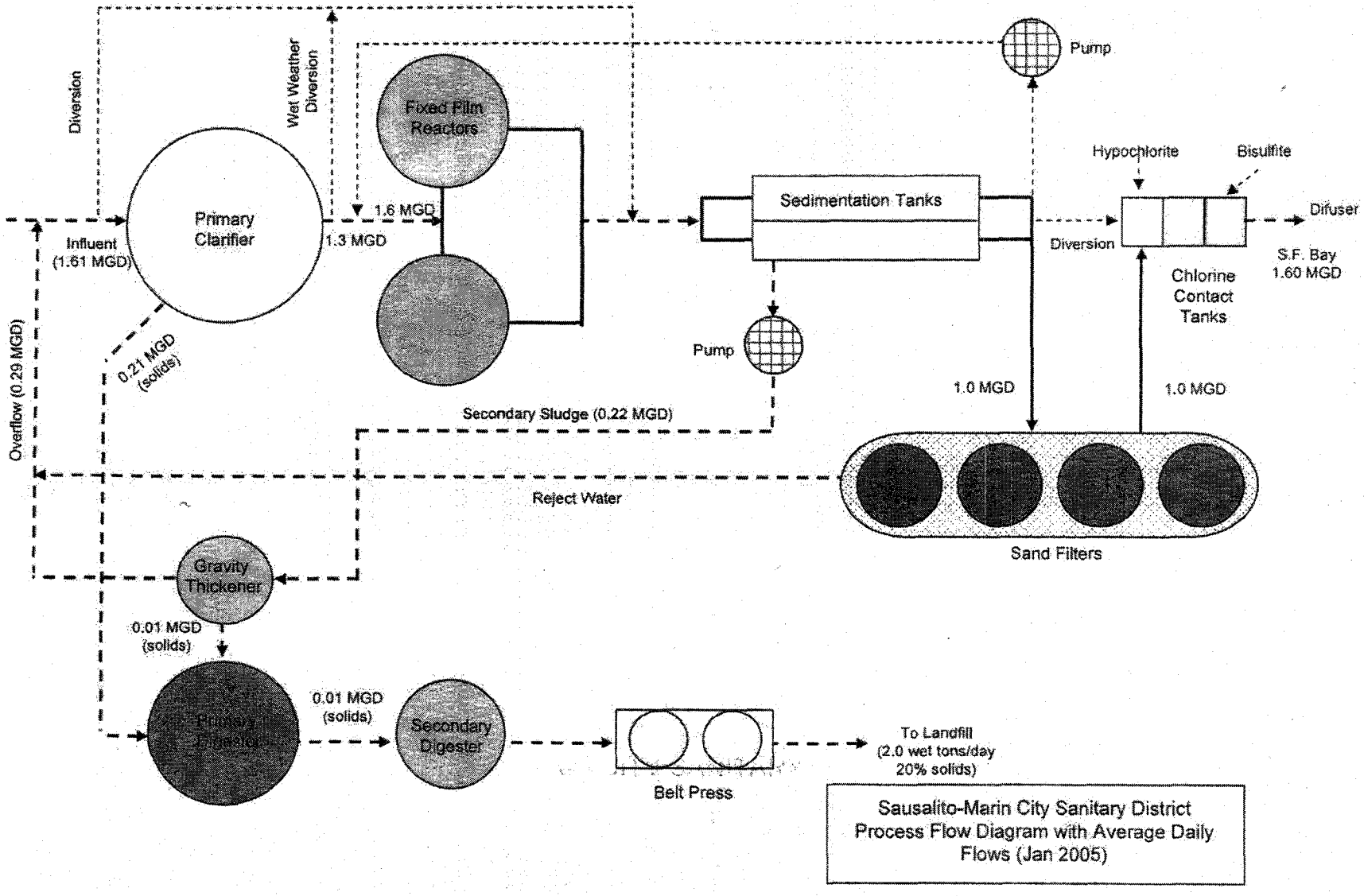
Toxicity Reduction Evaluation (TRE) is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps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

ATTACHMENT B - LOCATION MAP



NPDES NO. CA 0038067

ATTACHMENT C – SAUSALITO-MARIN CITY SANITARY DISTRICT WWTP FLOW SCHEMATIC



Sausalito-Marin City Sanitary District Process Flow Diagram with Average Daily Flows (Jan 2005)

ATTACHMENT D - FEDERAL STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

B. Need to Halt or Reduce Activity Not a Defense

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

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

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

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [*40 CFR §122.5(c)*].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control Board (State Water Board), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

1. Enter upon the Dischargers' premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [*40 CFR §122.41(i)(1)*];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [*40 CFR §122.41(i)(2)*];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [*40 CFR §122.41(i)(3)*];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [*40 CFR §122.41(i)(4)*].

G. Bypass

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [*40 CFR §122.41(m)(1)(i)*].

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [*40 CFR §122.41(m)(1)(ii)*].

2. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [*40 CFR §122.41(m)(4)(i)*]:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [*40 CFR §122.41(m)(4)(A)*];

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary

treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [*40 CFR §122.41(m)(4)(B)*]; and

c. The Discharger(s) submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [*40 CFR §122.41(m)(4)(ii)*].

5. Notice

a. Anticipated bypass. If the Discharger(s) knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [*40 CFR §122.41(m)(3)(i)*].

b. Unanticipated bypass. The Discharger(s) shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [*40 CFR §122.41(m)(3)(ii)*].

H. Upset

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

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [*40 CFR §122.41(n)(2)*].

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [*40 CFR §122.41(n)(3)*]:

a. An upset occurred and that the Discharger can identify the cause(s) of the upset [*40 CFR §122.41(n)(3)(i)*];

b. The permitted facility was, at the time, being properly operated [*40 CFR*

§122.41(n)(3)(i)];

c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [*40 CFR §122.41(n)(3)(iii)*]; and

d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [*40 CFR §122.41(n)(3)(iv)*].

3. Burden of proof. In any enforcement proceeding, the Discharger(s) seeking to establish the occurrence of an upset has the burden of proof [*40 CFR §122.41(n)(4)*].

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

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

B. Duty to Reapply

If the Discharger wish to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit [*40 CFR §122.41(b)*].

C. Transfers

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

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].

B. Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this Order related to the Dischargers' sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period

of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [*40 CFR §122.41(j)(2)*].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [*40 CFR §122.41(j)(3)(i)*];

2. The individual(s) who performed the sampling or measurements [*40 CFR §122.41(j)(3)(ii)*];

3. The date(s) analyses were performed [*40 CFR §122.41(j)(3)(iii)*];

4. The individual(s) who performed the analyses [*40 CFR §122.41(j)(3)(iv)*];

5. The analytical techniques or methods used [*40 CFR §122.41(j)(3)(v)*]; and

6. The results of such analyses [*40 CFR §122.41(j)(3)(vi)*].

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

1. The name and address of any permit applicant or Discharger [*40 CFR §122.7(b)(1)*]; and

2. Permit applications and attachments, permits and effluent data [*40 CFR §122.7(b)(2)*].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

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

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [*40 CFR §122.41(k)*]

2. All permit applications shall be signed as follows:

   a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management

decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*40 CFR §122.22(a)(1)*];

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [*40 CFR §122.22(a)(2)*]; or

c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [*40 CFR §122.22(a)(3)*].

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in paragraph (b) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in paragraph (2.) of this provision [*40 CFR §122.22(b)(1)*];

   b. The authorization 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 CFR §122.22(b)(2)*]; and

   c. The written authorization is submitted to the Regional Water Board, State Water Board, or USEPA [*40 CFR §122.22(b)(3)*].

4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, State Water Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared

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

C. Monitoring Reports

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

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices [*40 CFR §122.41(l)(4)(i)*].

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [*40 CFR §122.41(l)(4)(ii)*].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [*40 CFR §122.41(l)(4)(iii)*].

D. Compliance Schedules

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

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [*40 CFR §122.41(l)(6)(i)*].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [*40 CFR §122.41(l)(6)(ii)*]:

a. Any unanticipated bypass that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(A)*].

b. Any upset that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(B)*].

c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [*40 CFR §122.41(l)(6)(ii)(C)*].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [*40 CFR §122.41(l)(6)(iii)*].

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [*40 CFR §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 40 CFR §122.29(b) [*40 CFR §122.41(l)(1)(i)*]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

3. The alteration or addition results in a significant change in the Dischargers' sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [*40 CFR §122.41(l)(1)(iii)*].

G. Anticipated Noncompliance

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

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.1, E.2, and E.3 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

I. Other Information

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

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].

B. Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [*40 CFR §122.41(a)(3)*].

C. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [*40 CFR §122.41(j)(5)*].

D. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, uponconviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [*40 CFR §122.41(k)(2)*].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

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

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(1)*]:

   a. 100 micrograms per liter (µg/L) [*40 CFR §122.42(a)(1)(i)*];

   b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(1)(ii)*];

   c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(1)(iii)*]; or

   d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(1)(iv)*].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(2)*]:

   a. 500 micrograms per liter (µg/L) [*40 CFR §122.42(a)(2)(i)*];

   b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];

   c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or

d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

B. Publicly-Owned Treatment Works (POTWs)

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

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR §122.42(b)(2)*].

3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR §122.42(b)(3)*].

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

NPDES regulations at 40 CFR §122.48 require that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. This Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements that implement the federal and State regulations.

I. GENERAL MONITORING PROVISIONS

A. The Discharger shall comply with the MRP for this Order as adopted by the Regional Water Board, and with all of the requirements contained in Self-Monitoring Program, Part A, adopted August 1993 (SMP, Attachment G). If any discrepancies exist between the MRP and SMP, the MRP prevails.

B. Sampling is required during the entire year when discharging. All analyses shall be conducted using current USEPA methods, or that have been approved by the USEPA Regional Administrator pursuant to 40 CFR 136.4 and 40 CFR 136.5, or equivalent methods that are commercially and reasonably available, and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits and to perform reasonable potential analysis. Equivalent methods must be more sensitive than those specified in 40 CFR 136, must be specified in the permit, and must be approved for use by the Executive Officer, following consultation with the State Water Quality Control Board's Quality Assurance Program.

C. Sampling and analysis of additional constituents is required pursuant to Table 1 of the Regional Water Board's August 6, 2001 Letter titled Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy.

D. *Minimum Levels.* For compliance and reasonable potential monitoring, analyses shall be conducted using the commercially available and reasonably achievable detection levels that are lower than the WQOs/WQC or the effluent limitations, whichever is lower. The objective is to provide quantification of constituents sufficient to allow evaluation of observed concentrations with respect to the Minimum Levels given below. All Minimum Levels are expressed as μg/L approximately equal to parts per billion (ppb).

Table E-1 lists the test method the Discharger may use for compliance and reasonable potential monitoring for the pollutants with effluent limits.

Table E-1. Test Methods and Minimum Levels for Pollutants with Reasonable Potential

CTR #	Constituent	Types of Analytical Methods[1] Minimum Levels (µg/L)											
		GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPG FAA	HYD RIDE	CVAF	DCP
6	Copper								0.5	2			
8	Mercury[2]											0.0005	
10	Selenium[4]						5		2	5	1		
13	Zinc					20		20	1	10			
14	Cyanide				5								

CTR #	Constituent	Types of Analytical Methods[1] Minimum Levels (µg/L)											
		GC	GCMS	LC	Color	FAA	GFAA	ICP	ICP MS	SPG FAA	HYD RIDE	CVAF	DCP
68	Bis(2-ethylhexyl)phthalate		5										
107	Chlordane	0.1											
	Dioxin-TEQ[3]	½ USEPA 1613 specified MLs											

(1) Analytical Methods / Laboratory techniques are defined as follows:

GC = Gas Chromatography;
GCMS = Gas Chromatography/Mass Spectrometry;
Color = Colorimetric;
GFAA = Graphite Furnace Atomic Absorption;
ICPMS = Inductively Coupled Plasma/Mass Spectrometry;
SPGFAA = Stabilized Platform Graphite Furnace Atomic Absorption (i.e. USEPA 200.9); and
CVAF = Cold Vapor Atomic Fluorescence.

(2) The Discharger shall use ultra-clean sampling (USEPA Method 1669) and ultra-clean analytical methods (USEPA method 1631) for mercury monitoring, which specifies a ML of 0.5 ng/L or 0.0005 µg/L.

(3) The Discharger shall achieve MLs for Dioxin-TEQ using ½ the MLs specified in USEPA method 1613.

(4) Hydride is preferred because it is less subject to positive interferences.

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-2. Description of Monitoring Stations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
influent	A-001	At any point in the treatment facilities headworks at which all waste tributary to the treatment system is present, and proceeding any phase of treatment.
effluent	M-001	At any point in the outfall following dechlorination.
sludge	B-001	Biosolids monitoring.

III. INFLUENT MONITORING REQUIREMENTS - MONITORING LOCATION M-INF

A. The Discharger shall monitor the influent to the facility at A-001 as specified in Table E-3:

Table E-3. Influent Monitoring Requirements for Conventional Pollutants

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow Rate[1]	MGD	Continuous	Daily
$CBOD_5$	mg/L	C-24	2/Week
$CBOD_5$	kg/d	Calculated	2/Week
TSS	mg/L	C-24	2/Week
TSS	kg/d	Calculated	2/Week

Legend: C-24: 24-hour composite

[1]Flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports:
a. Influent, average, maximum and minimum daily flows

Influent monitoring identified in the table above is the minimum required monitoring. Additional sampling and analyses may be required in accordance with Pretreatment Program or Pollution Prevention/Source Control Program requirements (see Section IX.A below).

IV. EFFLUENT MONITORING REQUIREMENTS

A. Effluent Monitoring Requirements – Monitoring Location

The Discharger shall monitor treated wastewater at as specified in Table E-4 below:

Table E-4. Schedule of Sampling, Measurement, and Analysis

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow Rate(1)	MGD	Continuous	1/Day
pH	pH units	Grab	1/Day
Temperature	°C	Grab	1/Day
Dissolved Oxygen	mg/L	Grab	1/Day
Ammonia Nitrogen	mg/L	C-24	1/Month
CBOD (5-day @ 20°C)(2)	mg/L	C-24	2/Week
Total Suspended Solids(2)	mg/L	C-24	2/Week
Oil and Grease(3)	mg/L	Grab	1/Quarter
Total Coliform(4)	MPN/100 ml	Grab	3/Week
Chlorine, Total Residual	mg/L	Continuous	1/ 2 Hours
Acute Toxicity	% survival	C-24	1/Month
Chronic Toxicity(5)	TU_c	C-24	2/5 Years (1/Wet, 1/Dry Season)
Copper	µg/L	C-24	1/Month
Cyanide	µg/L	Grab	1/Month
Mercury(6)	µg/L and kg/month	Grab	1/Month
Selenium	µg/L	C-24	1/Month
Zinc	µg/L	C-24	1/Month
Bis(2-ethylhexyl)phthalate	µg/L	Grab	2/Year
Chlordane	µg/L	C-24	2/Year
2,3,7,8 – TCDD and congeners(7)	µg/L	Grab	2/Year (1/Wet, 1/Dry Season)
Standard Observations	--	--	1/Month
Remaining Priority Pollutants	µg/L	Grab(8)	2/5 Years (1/Wet, 1/Dry Season)

Legend: C-24: 24-hour composite

(1) Flows shall be monitored continuously and the following shall be reported in monthly self-monitoring reports:
   a. Effluent, average, maximum and minimum daily flows;

(2) The percent removal for CBOD and TSS shall be reported for each calendar month.

(3) Each oil and grease sampling event shall consist of a composite sample comprised of three grab samples taken at equal intervals during the sampling date, with each grab sample being collected in a glass container. Each glass container used for sample collection or mixing shall be thoroughly rinsed with solvent rinsings as soon as possible after use, and the solvent rinsings shall be added to the composite sample for extraction and analysis.

(4) When replicate analyses are made of a coliform sample, the reported result shall be the arithmetic mean of the

replicate analysis sample. The Colilert method is approved for use by the Discharger for the total coliform determination.

(5) Critical Life Stage Toxicity Test shall be performed and reported in accordance with the Chronic Toxicity Requirements specified in Sections V.B of the MRP. Note that accelerated monitoring required in Section V.B of the MRP is required to occur on a monthly basis.

(6) Mercury: The Discharger may, at its option, sample effluent mercury either as grab or as 24-hour composite samples.

(7) Chlorinated dibenzodioxins and chlorinated dibenzofurans shall be analyzed using the latest version of USEPA Method 1613.

(8) Per August 6, 2001 Regional Water Board letter.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The Discharger shall monitor acute and chronic toxicity at M-001 as follows:

A. Whole Effluent Acute Toxicity

1. Compliance with the acute toxicity effluent limitations of this Order shall be evaluated by measuring survival of test organisms exposed to 96-hour continuous flow-through bioassays.

2. Test organisms shall be fathead minnow.

3. All bioassays shall be performed according to the most up-to-date protocols in 40 CFR Part 136, currently in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms," 5th Edition.

4. If specific identifiable substances in the discharge can be demonstrated by the Discharger as being rapidly rendered harmless upon discharge to the receiving water, compliance with the acute toxicity limit may be determined after the test samples are adjusted to remove the influence of those substances. Written approval from the Executive Officer must be obtained to authorize such an adjustment.

5. Effluent used for fish bioassays must be dechlorinated prior to testing. Monitoring of the bioassay water shall include, on a daily basis, the following parameters: pH, dissolved oxygen, ammonia (if toxicity is observed), temperature, hardness, and alkalinity. These results shall be reported. If a violation of acute toxicity requirements occurs or if the control fish survival rate is less than 90 percent, the bioassay test shall be restarted with new batches of fish and shall continue back to back until compliance is demonstrated.

B. Whole Effluent Chronic Toxicity

1. Chronic Toxicity Monitoring Requirements

   a. *Sampling*. The Discharger shall collect 24-hour composite samples of the effluent in accordance with the frequency specified in the table above, for critical life stage toxicity testing as indicated below. For toxicity tests requiring renewals, 24-hour composite samples collected on consecutive days are required.

   b. *Test Species*. *Mysidopsis bahia.*. The Executive Officer may change to another test

species if data suggest that another test species is more sensitive to the discharge.

c. *Methodology*. Sample collection, handling and preservation shall be in accordance with USEPA protocols. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-1. These are "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms," currently third edition (EPA-821-R-02-014), and "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," currently fourth Edition (EPA-821-R-02-013), with exceptions granted the Discharger by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP).

d. *Dilution Series*. The Discharger shall conduct tests at 100%, 75%, 50%, 25%, and 12.5%. The "%" represents percent effluent as discharged. Samples may be buffered using the biological buffer MOPS (3-(N-Morpholino)propanesulfonic Acid) to control pH drift and ammonia toxicity caused by increasing pH during the test.

2. Chronic Toxicity Reporting Requirements

a. *Routine Reporting*. Toxicity test results for the current reporting period shall include, at a minimum, for each test:

i. Sample date(s)
ii. Test initiation date
iii. Test species
iv. End point values for each dilution (e.g. number of young, growth rate, percent survival)
v. NOEC value(s) in percent effluent
vi. IC15, IC25, IC40, and IC50 values (or EC15, EC25 ... etc.) in percent effluent
vii. TUc values (100/NOEC, 100/IC25, or 100/EC25)
viii. Mean percent mortality (±s.d.) after 96 hours in 100% effluent (if applicable)
ix. NOEC and LOEC values for reference toxicant test(s)
x. IC50 or EC50 value(s) for reference toxicant test(s)
xi. Available water quality measurements for each test (pH, D.O., temperature, conductivity, hardness, salinity, ammonia)

b. *Compliance Summary*. The results of the chronic toxicity testing shall be provided in the next self-monitoring report and shall include a summary table of chronic toxicity data from at least three of the most recent samples. The information in the table shall include items listed above under 2.a, specifically, item numbers i, iii, v, vi (IC25 or EC25), vii, and viii.

3. Chronic Toxicity Reduction Evaluation (TRE)

a. *Generic TRE Work Plan*. To be prepared for responding to toxicity events, the Discharger shall prepare a generic TRE work plan within 90 days of the effective

date of this Order. The Discharger shall review and update the work plan as necessary to remain current and applicable to the discharge and discharge facilities.

b. *Specific TRE Work Plan.* Within 30 days of exceeding either trigger for accelerated monitoring, the Discharge shall submit to the Regional Water Board a TRE work plan, which should be the generic work plan revised as appropriate for this toxicity event after consideration of available discharge data.

c. *Initiate TRE.* Within 30 days of the date of completion of the accelerated monitoring tests observed to exceed either trigger, the Discharger shall initiate a TRE in accordance with a TRE work plan that incorporates any and all comments from the Executive Officer.

d. The TRE shall be specific to the discharge and be in accordance with current technical guidance and reference materials, including USEPA guidance materials. The TRE shall be conducted as a tiered evaluation process, such as summarized below:

   i. Tier 1 consists of basic data collection (routine and accelerated monitoring).
   ii. Tier 2 consists of evaluation of optimization of the treatment process, including operation practices and in-plant process chemicals.
   iii. Tier 3 consists of a toxicity identification evaluation (TIE).
   iv. Tier 4 consists of evaluation of options for additional effluent treatment processes.
   v. Tier 5 consists of evaluation of options for modifications of in-plant treatment processes.
   vi. Tier 6 consists of implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.

e. The TRE may be ended at any stage if monitoring finds there is no longer consistent toxicity (complying with Effluent Limitations Section IV.6.a).

f. The objective of the TIE shall be to identify the substance or combination of substances causing the observed toxicity. All reasonable efforts using currently available TIE methodologies shall be employed.

g. 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 chronic toxicity evaluation parameters.

h. Many recommended TRE elements parallel required or recommended 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 or recommended efforts of such programs may be acceptable to comply with TRE requirements.

i. The Regional Water Board recognizes that chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic 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.

VI. LAND DISCHARGE MONITORING REQUIREMENTS

(Not applicable)

VII. RECLAMATION MONITORING REQUIREMENTS

(Not applicable)

VIII. RECEIVING WATER MONITORING REQUIREMENTS

A. Regional Monitoring Program (RMP 1)

The Discharger shall continue to participate in the Regional Monitoring Program, which involves collection of data on pollutants and toxicity in water, sediment and biota of the Estuary. The Discharger's participation and support of the RMP is used in consideration of the level of receiving water monitoring required by this Order. With each annual self-monitoring report, the Discharger shall document how it complies with Receiving Water Limitation V.A. This may include using discharge characteristics (e.g., mass balance with effluent data and closest RMP station), receiving water data, or a combination of both.

IX. OTHER MONITORING REQUIREMENTS

A. Sludge Monitoring (B-001)

The Discharger shall continue to analyze sludge on a semi-annual basis prior to disposal for selected priority pollutant metals and organics. Specific requirements for monitoring shall be commensurate with the disposal location, expected to be a landfill during the permit term.

X. LEGEND FOR MRP TABLES

Types of Samples

C-24	=	composite sample, 24 hours (includes continuous sampling, such as flows)
C-X	=	composite sample, X hours
G	=	grab sample

Frequency of Sampling

Cont.	=	Continuous

Parameter and Unit Abbreviations

CBOD	=	Carbonaceous Biochemical Oxygen Demand

Cont/D	=	Continuous monitoring & daily reporting	D.O.	=	Dissolved Oxygen
H	=	once each hour (at about hourly intervals)	Est V	=	Estimated Volume (gallons)
W	=	once each week	Metals	=	Multiple metals
2/W	=	twice each week	PAHs	=	Polycyclic Aromatic Hydrocarbons
4/W	=	four times each week	TSS	=	Total Suspended Solids
M	=	once each month	MGD	=	million gallons per day
Q	=	once each calendar quarter (at about three month intervals)	mg/L	=	milligrams per liter
1/Y	=	once each calendar year	mL/L-hr	=	milliliters per liter, per hour
2/Y	=	twice each calendar year (at about 6 months intervals, once during dry season, once during wet season)	μg/L	=	micrograms per liter
			ng/L	=	nanograms per liter, 1 ng/L=10^{-3} μg/L
			kg/d	=	kilograms per day
			kg/mo	=	kilograms per month
			MPN/100 mL	=	Most Probable Number per 100 milliliters

XI. Modifications to Part A of Self-Monitoring Program

Section C.2.h of Part A shall be amended as follows:

h. When any type of bypass occurs, except for bypasses that are consistent with Prohibition III.C of this Order, composite samples shall be collected on a daily basis for constituents at all affected discharge points that have effluent limits for the duration of the bypass.

When bypassing occurs from any treatment process (primary, secondary, chlorination, dechlorination, etc.) in the Facility that is consistent with Prohibition III.B of this Order during high wet weather inflow, the self-monitoring program shall include the following sampling and analyses in addition to the schedule given in this MRP:

When bypassing occurs from any primary or secondary treatment unit(s), samples of the discharge shall be collected for the duration of the bypass event for TSS analysis in 24-hour composite or less increments, and continuous monitoring of flow and pH, every 2 hours sampling for chlorine residual, and grabs for coliform. Samples in accordance with proper sampling techniques for all other limited pollutant parameters, except coliform, shall also be collected and retained for analysis if necessary. If a daily TSS value exceeds the weekly average effluent limit, analysis of the retained samples shall be conducted for all pollutant constituents that have limits, except toxicity and oil and grease, for the duration of the bypass event. Holding times for these retained samples must be complied with.

Modify Section F.4 as follows:

Self-Monitoring Reports

[Add the following to the beginning of the first paragraph]

For each calendar month, a self-monitoring report (SMR) shall be submitted to the Regional Water Board in accordance with the requirements listed in Self-Monitoring Program, Part A. The purpose of the report is to document treatment performance, effluent quality and compliance with waste discharge requirements prescribed by this Order, as demonstrated by the monitoring program data and the Discharger's operation practices.

[And add at the end of Section F.4 the following:]

g. If the Discharger wishes to invalidate any measurement, the letter of transmittal will include a formal request to invalidate the measurement; the original measurement in question, the reason for invalidating the measurement, all relevant documentation that supports the invalidation (e.g., laboratory sheet, log entry, test results, etc.), and discussion of the corrective actions taken or planned (with a time schedule for completion), to prevent recurrence of the sampling or measurement problem. The invalidation of a measurement requires the approval of Water Board staff and will be based solely on the documentation submitted at that time.

h. Reporting Data in Electronic Format

The Discharger has the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. If the Discharger chooses to submit SMRs electronically, the following shall apply:

1) Reporting Method: The Discharger shall submit SMRs electronically via the process approved by the Executive Officer in a letter dated December 17, 1999, Official Implementation of Electronic Reporting System (ERS) and in the Progress Report letter dated December 17, 2000, or in a subsequently approved format that the Permit has been modified to include.

2) Monthly or Quarterly Reporting Requirements: For each reporting period (monthly or quarterly as specified in SMP Part B), an electronic SMR shall be submitted to the Regional Water Board in accordance with Section F.4.a-g. above. However, until USEPA approves the electronic signature or other signature technologies, Dischargers that are using the ERS must submit a hard copy of the original transmittal letter, an ERS printout of the data sheet, a violation report, and a receipt of the electronic transmittal.

3) Annual Reporting Requirements: Dischargers who have submitted data using the ERS for at least one calendar year are exempt from submitting an annual report electronically, but a hard copy of the annual report shall be submitted according to Section F.5 below.

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

The Discharger shall comply with all Standard Provisions (Attachments D and G) related to monitoring, reporting, and recordkeeping, except as otherwise specified below.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this Order, the State or Regional Water Board may notify the Discharger to electronically submit self-monitoring reports. Until such notification is given, the Discharger shall submit self-monitoring reports in accordance with the requirements described below.

2. The Discharger shall submit monthly Self-Monitoring Reports including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order for each calendar month. Monthly SMRs shall be due on the 30th day following the end of each calendar month, covering samples collected during that calendar month; Annual reports shall be due on February 1 following each calendar year.

3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule as given in Table E-6:

Table E-6. Monitoring Period

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period
Continuous	Day after permit effective date	All
1 / day	Day after permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.
1 / week 2 / week 3 / week	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday
1 / month	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month
1 / quarter	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31
1 / year	Closest of May 1 or November 1 following (or on) permit effective date	Alternate between once during November 1 through April 30 (one year), and once during May 1 through October 31 (following year)
2 / year	Closest of May 1 or November 1 following (or on) permit effective date	One during November 1 through April 30 One during May 1 through October 31
Each Occurrence	Anytime during the discharge event or as soon as possible after aware of the event	At a time which sampling can characterize the discharge event

4. The Dischargers shall report with each sample result the applicable Minimum Level (ML) or Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR §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 (+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. In the ERS, the MDL is to be reported and a qualifier of "<" may be reported.

d. The Discharger shall instruct laboratories to establish calibration standards so that the RL value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. The Discharger shall not use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

5. The Dischargers shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations.

6. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address shown below:

   Executive Officer
   California Regional Water Quality Control Board
   San Francisco Bay Region
   1515 Clay Street, Suite 1400
   Oakland, CA 94612
   ATTN: NPDES Division

8. The Discharger has the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. The Electronic Reporting System (ERS) format includes, but is not limited to, a transmittal letter, summary of violation details and corrective actions, and transmittal receipt. If there are any discrepancies between the ERS requirements and the "hard copy" requirements listed in the MRP, then the approved ERS requirements supersede.

D. Discharge Monitoring Reports (DMRs)

1. As described in Section X.C.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit self-monitoring reports. Until such notification is given, the Discharger shall submit discharge monitoring reports (DMRs) in accordance with the requirements described below.

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

   If by standard mail:

   Division of Water Quality
   c/o DMR Processing Center
   P.O. Box 100
   Sacramento, CA 95812-1000

   Or if by FedEx, UPS, or other private carrier:

   Division of Water Quality
   c/o DMR Processing Center
   1001 I Street, 15th 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.

Appendix E-1

CHRONIC TOXICITY

DEFINITION OF TERMS AND SCREENING PHASE REQUIREMENTS

I. Definition of Terms

A. No observed effect level (NOEL) for compliance determination is equal to IC_{25} or EC_{25}. If the IC_{25} or EC_{25} cannot be statistically determined, the NOEL shall be equal to the NOEC derived using hypothesis testing.

B. Effective concentration (EC) is a point estimate of the toxicant concentration that would cause an adverse effect on a quantal, "all or nothing," response (such as death, immobilization, or serious incapacitation) in a given percent of the test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Karber. EC_{25} is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.

C. Inhibition concentration (IC) is a point estimate of the toxicant concentration that would cause a given percent reduction in a nonlethal, nonquantal biological measurement, such as growth. For example, an IC_{25} is the estimated concentration of toxicant that would cause a 25 percent reduction in average young per female or growth. IC values may be calculated using a linear interpolation method such as USEPA's Bootstrap Procedure.

D. No observed effect concentration (NOEC) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. It is determined using hypothesis testing.

II. Chronic Toxicity Screening Phase Requirements

A. The Discharger shall perform screening phase monitoring:

1. Subsequent to any significant change in the nature of the effluent discharged through changes in sources or treatment, except those changes resulting from reductions in pollutant concentrations attributable to source control efforts, or

2. Prior to permit reissuance. Screening phase monitoring data shall be included in the NPDES permit application for reissuance. The information shall be as recent as possible, but may be based on screening phase monitoring conducted within 5 years before the permit expiration date.

B. Design of the screening phase shall, at a minimum, consist of the following elements:

1. Use of test species specified in Tables 1 and 2 (attached), and use of the protocols referenced in those tables, or as approved by the Executive Officer.

2. Two stages:

a. Stage 1 shall consist of a minimum of one battery of tests conducted concurrently. Selection of the type of test species and minimum number of tests shall be based on Table 3 (attached).

b. Stage 2 shall consist of a minimum of two test batteries conducted at a monthly frequency using the three most sensitive species based on the Stage 1 test results and as approved by the Executive Officer.

3. Appropriate controls.

4. Concurrent reference toxicant tests.

Appendix E-2

SUMMARY OF TOXICITY TEST SPECIES REQUIREMENTS

Critical Life Stage Toxicity Tests for Estuarine Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Alga	*(Skeletonema costatum)* *(Thalassiosira pseudonana)*	Growth rate	4 days	1
Red alga	*(Champia parvula)*	Number of cystocarps	7–9 days	3
Giant kelp	*(Macrocystis pyrifera)*	Percent germination; germ tube length	48 hours	2
Abalone	*(Haliotis rufescens)*	Abnormal shell development	48 hours	2
Oyster Mussel	*(Crassostrea gigas)* *(Mytilus edulis)*	Abnormal shell development; percent survival	48 hours	2
Echinoderms - Urchins Sand dollar	*(Strongylocentrotus purpuratus, S. franciscanus)* *(Dendraster excentricus)*	Percent fertilization	1 hour	2
Shrimp	*(Mysidopsis bahia)*	Percent survival; growth	7 days	3
Shrimp	*(Holmesimysis costata)*	Percent survival; growth	7 days	2
Topsmelt	*(Atherinops affinis)*	Percent survival; growth	7 days	2
Silversides	*(Menidia beryllina)*	Larval growth rate; percent survival	7 days	3

Toxicity Test References:

1. American Society for Testing Materials (ASTM). 1990. Standard Guide for Conducting Static 96-Hour Toxicity Tests with Microalgae. Procedure E 1218-90. ASTM, Philadelphia, PA.
2. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to West Coast Marine and Estuarine Organisms. EPA/600/R-95/136. August 1995.
3. Short-term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-90/003. July 1994.

Critical Life Stage Toxicity Tests for Fresh Waters

Species	(Scientific Name)	Effect	Test Duration	Reference
Fathead minnow	*(Pimephales promelas)*	Survival; growth rate	7 days	4
Water flea	*(Ceriodaphnia dubia)*	Survival; number of young	7 days	4
Alga	*(Selenastrum capricornutum)*	Cell division rate	4 days	4

Toxicity Test Reference:

4. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, third edition. EPA/600/4-91/002. July 1994.

Toxicity Test Requirements for Stage One Screening Phase

Requirements	Receiving Water Characteristics		
	Discharges to Coast	Discharges to San Francisco Bay[2]	
	Ocean	Marine/Estuarine	Freshwater
Taxonomic diversity	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish	1 plant 1 invertebrate 1 fish
Number of tests of each salinity type: Freshwater[1] Marine/Estuarine	0 4	1 or 2 3 or 4	3 0
Total number of tests	4	5	3

[1] The freshwater species may be substituted with marine species if:

(a) The salinity of the effluent is above 1 part per thousand (ppt) greater than 95 percent of the time, or

(b) The ionic strength (TDS or conductivity) of the effluent at the test concentration used to determine compliance is documented to be toxic to the test species.

[2] (a) Marine/Estuarine refers to receiving water salinities greater than 1 ppt at least 95 percent of the time during a normal water year.

(b) Fresh refers to receiving water with salinities less than 1 ppt at least 95 percent of the time during a normal water year.

ATTACHMENT F – FACT SHEET

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

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	2 215023001
Discharger	Sausalito-Marin City Sanitary District
Name of Facility	Sausalito-Marin City Sanitary District Wastewater Treatment Plant and Its Collection System
Facility Address	#1 Fort Baker Road Sausalito, CA 94965 Marin County
Facility Contact, Title, Phone	Robert Simmons, General Manager, (415) 332-0244
Authorized Person to Sign and Submit Reports	Robert Simmons, General Manager, (415) 332-0244
Mailing Address	P.O. Box 39, Sausalito, CA 94966
Billing Address	Same as Mailing Address
Type of Facility	Wastewater Treatment Plant
Major or Minor Facility	Major
Threat to Water Quality	2
Complexity	A
Pretreatment Program	No
Reclamation Requirements	Not Applicable
Facility Permitted Flow	1.8 million gallons per day (MGD)
Facility Design Flow	1.8 MGD dry weather flow 6.0 MGD secondary treatment capacity
Watershed	San Francisco Bay
Receiving Water	Central San Francisco Bay
Receiving Water Type	Marine

A. Sausalito-Marin City Sanitary District (hereinafter the Discharger) owns and operates a wastewater treatment plant, located at #1 Fort Baker Road, Sausalito, Marin County, California. The plant provides secondary level treatment for domestic wastewater from the City of Sausalito, Marin City (unincorporated), Tamalpais Community Service District, and Golden Gate Recreation Area. The treatment plant has a design capacity of 1.8 million gallons per day (MGD) average dry weather flow, but it can treat up to 6.0 MGD during wet weather flows.

B. The facility discharges wastewater to the Central San Francisco Bay, a water of the United States, and is currently regulated by Order No. 00-060 and NPDES Permit No. CA0038067,

which was adopted on July 19, 2000, and expired on July 19, 2005.

C. The Discharger filed a Report of Waste Discharge (ROWD) and submitted an application for reissuance of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on January 19, 2005.

II. FACILITY DESCRIPTION

A. Description of Wastewater Treatment or Controls

1. The Discharger owns and operates a municipal wastewater treatment facility which provides secondary level treatment for domestic wastewater from the City of Sausalito, Marin City (unincorporated), Tamalpais Community Service District, and Golden Gate Recreation Area.

2. The Discharger's collection system includes about 10 miles of sanitary sewer lines and seven pump stations. The Discharger owns and operates all of the seven pump stations, about 5.5 miles of sanitary lines in the unincorporated areas of Marin City, and about 4.5 miles of gravity sewer and force mains that make up the Discharger's conveyance system. About 70 miles of sanitary sewer lines convey wastewater to the Discharger's system from three satellite systems owned and operated by the City of Sausalito, Tamalpais Community Service District, and Golden Gate Recreation Area. Each satellite system is responsible for an ongoing program of maintenance and capital improvements for sewer lines and pump stations within their respective jurisdictions to ensure adequate capacity and reliability of the collection system. Each satellite system is also responsible for ensuring their wastewater does not adversely impact the Discharger's treatment plant. The State Board on May 2, 2006, adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ. The Discharger's collection system and the satellite systems are subject to the requirements of 2006-0003-DWQ.

3. Raw influent entering the Discharger's plant is treated by primary sedimentation, biological treatment using fixed-film reactors, secondary clarification, rotating disk screening, sand filtration, chlorination and dechlorination.

B. Discharge Point and Receiving Waters

1. Treated wastewater is currently discharged 300 feet offshore at a depth of about 35 feet into the Central San Francisco Bay. The effluent receives an initial dilution of at least 10:1 at all times as required by the Basin Plan's prohibition No. 1 on discharges with less than 10:1.

Table F-2. Outfall Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Secondary treated POTW wastewater	37 °, 50', 37" N	122 °, 28', 03" W	Central San Francisco Bay

2. Storm Water Discharges

a. **Regulations**. Regulations applicable to storm water discharges were promulgated by the U.S. EPA on November 19, 1990. The regulations (40 CFR Parts 122 – 124) require specific categories of industrial activity (industrial storm water) to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to control pollutants in industrial storm water discharges.

b. **Exemption from Coverage under Statewide Storm Water General Permit**. The State Water Resources Control Board's (the State Board's) statewide NPDES permit for storm water discharges associated with industrial activities (NPDES General Permit CAS000001- the General Permit) was adopted on November 19, 1991, amended on September 17, 1992, and reissued on April 17, 1997. The facility is covered under the General Permit.

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

Effluent limitations contained in the previous permit (Order No. 00-060) for discharges to the Central San Francisco Bay and representative monitoring data from the term of the previous permit for conventional and certain non-conventional pollutants are as follows.

Table F-3. Historic Conventional and Certain Non-Conventional Substances Effluent Limitations and Monitoring Data (001)

Parameter	Units	Effluent Limitations				Data (from January 2003 to December 2005)
		Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Range of Reported Values
Biochemical Oxygen Demand (BOD)(1)	mg/L	30	45	60	--	4.86 – 52.0
Carbonaceous Biochemical Oxygen Demand (CBOD)	mg/L	25	40			7.04 - 50.3
Total Suspended Solids(2)	mg/L	30	45	60	--	11.5 - 89.0
Oil and Grease	mg/L	10	--	20	--	0 – 28.0
Settleable Matter	ml/L-hr	0.1	--	0.2	--	0 – 1.0
Total Chlorine Residual(3)	mg/L	--	--	--	0.0	0 – 6.5
pH	Units				(4)	6.21 - 8.28
Enterococcus	MPN/100 ml	--	--	--	(5)	10 - 210
Acute Toxicity	% survival	--	--	--	(6)	70 - 100

(1) Section B.1.a of Order No. 00-060 requires compliance with BOD or CBOD effluent limitations.

(2) The arithmetic mean of BOD and TSS values, for effluent samples collected in each calendar month shall not exceed 15 percent of the arithmetic mean for influent samples collected at approximately the same times during the same period.

(3) Requirement defined as below the limit of detection in standard test methods defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*. The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine, and sodium bisulfate dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff will conclude that these false positive chlorine residual exceedances are not violations of the permit limit.

(4) The pH of the effluent shall not exceed 9.0 nor be less than 6.0. The Discharger shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied; 1) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and 2) no individual excursion from the range of pH value shall exceed 60 minutes.

(5) The thirty (30) day geometric mean enterococcus density shall not exceed 35 MPN/100 ml; and no single sample shall exceed 124 MPN/100 ml.

(6) The survival of bioassay test organisms in 96-hour bioassays of undiluted effluent shall be: 1) an 11-sample median value of not less than 90 percent survival; and 2) an 11-sample 90th percentile value of not les than 70 percent survival.

Effluent limitations contained in the previous permit (Order No. 00-060) for discharges to the Central San Francisco Bay and representative monitoring data from the term of the previous permit for toxic pollutants are as follows.

Table F-4. Historic Toxic Substances Effluent Limitations and Monitoring Data

Parameter	Units	Water Quality-Based Effluent Limits (WQBELs)		Interim Limits		Monitoring Data (From January 2002 to December 2005)
		Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Highest Daily Average
Copper	µg/L				28	23
Mercury	µg/L			0.2	1.0	0.042
Nickel	µg/L	32	65			8.1
Selenium	µg/L				50	10
Cyanide	µg/L				25	28
Lead	µg/L	35	89			1.6
Zinc	µg/L	502	665			190

D. Compliance Summary

1. Compliance with Numeric Effluent Limits.

Permit exceedances were observed during the permit term and are summarized in Table F-5 below.

Table F-5. Compliance Summary

Parameter	Type of Limit	Date of Violation	Permit Limit	Reported Value
Chlorine Residual	Instantaneous Maximum	March 21, 2002	0.0	6.5
Total Suspended Solids	Monthly Average	October 31, 2003	30	32
Total Suspended Solids	Monthly Average	November 30, 2003	30	31
BOD	Monthly Average	October 31, 2004	30	30.8
BOD	Monthly Average	November 30, 2004	30	32.5
Total Suspended Solids	Monthly Average	November 30, 2004	30	37
Enterococci Bacteria	Instantaneous Maximum	December 27, 2004	124	2420
Enterococci Bacteria	Instantaneous Maximum	December 28, 2004	124	1986
Total Suspended Solids	Monthly Average	December 31, 2004	30	30.94
Chlorine Residual	Instantaneous Maximum	January 11, 2005	0	0.21
CBOD	Monthly Average	February 28, 2005	25	28.23
CBOD	Weekly Average	March 2, 2005	40	42.9
CBOD	Monthly Average	May 31, 2005	25	26.27
Total Suspended Solids	Daily Maximum	June 24, 2005	60	67.0
CBOD	Weekly Average	June 25, 2005	40	43.2
Total Suspended Solids	Daily Maximum	June 25, 2005	60	65.25
Total Suspended Solids	Weekly Average	June 25, 2005	45	65.25
CBOD	Monthly Average	June 30, 2005	25	32.96

Parameter	Type of Limit	Date of Violation	Permit Limit	Reported Value
Total Suspended Solids	Monthly Average	June 30, 2005	30	35.38
Oil and Grease	Monthly Average	June 30, 2005	10	10.7
CBOD	Monthly Average	July 31, 2005	25	27.62
Total Suspended Solids	Monthly Average	August 31, 2005	30	33
Cyanide	Daily Maximum	September 7, 2005	0.025	0.028
Total Suspended Solids	Monthly Average	November 30, 2005	30	32.69
Total suspended solids	Monthly Average	December 31, 2005	30	30.74
Enterococci Bacteria	Daily Maximum	March 29, 2006	124	2419.60
CBOD	Monthly Average	March 31, 2006	25	27.25
Total suspended solids	Monthly Average	March 31, 2006	30	35.20
Total suspended solids	Monthly Average	April 30, 2006	30	31.2
Settleable matter	Daily Maximum	May 10, 2006	0.2	0.80
Total suspended solids	Weekly Average	May 13, 2006	45	49.92
Total suspended solids	Daily Maximum	May 14, 2006	60	61.50
Settleable matter	Daily Maximum	May 15, 2006	0.2	0.60
Total suspended solids	Daily Maximum	May 15, 2006	60	70.50
Settleable matter	Daily Maximum	May 16, 2006	0.2	0.30
Total suspended solids	Weekly Average	May 20, 2006	45	48.14
Settleable matter	Daily Maximum	May 25, 2006	0.2	1.00
Total suspended solids	Daily Maximum	May 25, 2006	60	67.50
Settleable matter	Daily Maximum	May 26, 2006	0.2	0.90
Total suspended solids	Daily Maximum	May 26, 2006	60	66.00
Total suspended solids	Weekly Average	May 27, 2006	45	49.17
Total suspended solids	Daily Maximum	May 28, 2006	60	66.00
Total suspended solids	Daily Maximum	May 29, 2006	60	69.00
Settleable matter	Monthly Average	May 31, 2006	0.1	0.2
Total suspended solids	Monthly Average	May 31, 2006	30	47.54
Total suspended solids	Weekly Average	June 3, 2006	45	46.71
Total suspended solids	Monthly Average	June 30, 2006	30	34.11
Total suspended solids	Monthly Average	July 31, 2006	30	37.36
Total suspended solids	Weekly Average	August 5, 2006	45	54.67
Settleable matter	Daily Maximum	August 7, 2006	0.2	0.90
Settleable matter	Daily Maximum	August 8, 2006	0.2	0.40
Total suspended solids	Daily Maximum	August 8, 2006	60	63.50
Total suspended solids	Daily Maximum	August 9, 2006	60	68.50
Total suspended solids	Daily Maximum	August 10, 2006	60	89.00
Total suspended solids	Daily Maximum	August 11, 2006	60	73.00
Total suspended solids	Daily Maximum	August 12, 2006	60	74.00
Total suspended solids	Weekly Average	August 12, 2006	45	71.33
Settleable matter	Monthly Average	August 31, 2006	0.1	0.19
Total suspended solids	Monthly Average	August 31, 2006	30	47.63
Total suspended solids	Monthly Removal	August 31, 2006	Min 85%	82.00
Total suspended solids	Monthly Average	September 30, 2006	30	33.26
Total suspended solids	Monthly Average	October 31, 2006	30	32.56
Total suspended solids	Monthly Average	November 30, 2006	30	32.3
Enterococci Bacteria	Daily Maximum	December 12, 2006	124	501.8
CBOD	Weekly Average	December 16, 2006	40	49.15
CBOD	Weekly Average	December 23, 2006	40	53.85
CBOD	Weekly Average	December 30, 2006	40	53.96
CBOD	Monthly Average	December 31, 2006	25	51.88

Parameter	Type of Limit	Date of Violation	Permit Limit	Reported Value
CBOD	Monthly Removal	December 31, 2006	Min 85%	73.00
Total suspended solids	Monthly Removal	December 31, 2006	Min 85%	81.00
CBOD	Weekly Average	January 6, 2007	40	45.87
Total suspended solids	Weekly Average	January 6, 2007	45	45.90
CBOD	Monthly Average	January 31, 2007	25	28.01
Total suspended solids	Monthly Average	January 31, 2007	30	34.97
Total suspended solids	Monthly Average	February 28, 2007	30	31.65

Regional Water Board enforcement of the above permit violations is pending. A mandatory minimum penalty of $204,000 for these violations will be considered at the August 8, 2007 Board meeting. $109,500 of this penalty will be eligible for a supplemental environmental project. Also, the U.S. EPA has issued and Administrative Order that requires completion of actions to bring the facility into compliance with effluent limits by December 2007.

2. Compliance with Permit Provisions.

A list of special activities required in the provisions for Order No. 00-060, and the status of completion, is shown in Table F-6 below.

Table F-6. Status of Special Activities in Provisions for Order No. 01-105

Provision No.	Description of Activity	Status of Completion
8	Mercury Source Control and Reduction Program – 60 days following a violation of a mass emission limit for mercury, the Discharger was required to develop a source control and pollution prevention program to identify sources and evaluate options for control and reduction of mercury loadings. This program was to consider reductions in mercury effluent concentrations achieved through source control and economically feasible optimization of treatment plant processes. If necessary, the Discharger was to investigate alternative control strategies through participation with the Regional Water Board and other North Bay dischargers in identifying cross media watershed-wide sources of mercury impacting the receiving water, and potential control measures. A final report was due 12 months following the first violation of a mass emission limit for mercury. Annual reports were required after the study commencement date.	No mercury exceedances reported during the term of the permit.
9	Copper Source Control and Reduction Study – The Discharger shall document current copper reduction and control activities, evaluate the feasibility of potential enhancements to those activities, including enhancement of copper corrosion control in the water supply system, and treatment plant performance in comparison with industry standard.	The Discharger has complied with this permit provision.

10	Optional Copper Translator Study – If the Discharger desires to develop information that may be used to establish a water quality based effluent limit based on dissolved copper criteria, the discharger shall submit a workplan for compilation/collection of data that can be used for establishment of a dissolved copper translator in accordance with EPA guidelines and any relevant portions of the State Implementation Plan	Completed
11	Pollutant Minimization Plan (PMP) – The PMP is required by the SIP (Section 2.4.5.1). In the absence of effluent limits, the Discharger shall implement a waste minimization PMP to achieve water quality standards. The PMP shall include, but is not limited to, (1) an annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures if it is demonstrated source monitoring is unlikely to produce useful analytical data; (2) quarterly monitoring for priority pollutant(s) in the effluent of the wastewater system, or alternative measures if it is demonstrated source monitoring is unlikely to produce useful analytical data; (3) control strategy design to proceed toward the goal of maintaining concentrations of the priority pollutant(s) in the effluent at or below the effluent limitation; (4) implementation of appropriate cost-effective control measures for the priority pollutant(s) consistent with the control strategy.	Need for PMP was not triggered.
12	Receiving Water Beneficial Use Study - The Discharger may conduct a study to demonstrate that substituting total coliform organisms limitations with enterococcus organisms will not result in unacceptable adverse impacts on the beneficial uses of the receive water.	The Discharger has complied with this permit provision.

13	Effluent Characterization for Selected Constituents – The Discharger shall monitor and evaluate effluent discharged to Central San Francisco Bay for the constituents listed in Table 2 of the SMP of Order 00-060. Compliance with this requirement shall be achieved in accordance with the following: a. This effluent monitoring shall include a minimum of six effluent sampling events conducted in the wet weather season and at least three sampling events conducted in the dry weather season, with the first sampling event no later than August 12, 2002. b. This report shall include analytical procedures used and achieved for each constituent, including the limit of quantitation (LOQ), method detection limit (MDL) and practical quantitation limit (PQL). For each constituent, the applicable analytical measurement levels should be adequate to evaluate observed effluent concentrations with respect to the water quality objective given the SMP Table 2, where technically and reasonably feasible. c. This report shall include evaluation of observed effluent concentrations with respect to the water quality objectives given the SMP Table 2, and an assessment of the costs of monitoring the effluent for these constituents. d. The SMP of Order 00-060 may subsequently be revised to include monitoring for some or all of the SMP Table 2 constituents. e. The Discharger shall submit technical reports documenting status and results of the study in accordance with the following: Interim report: Submit no later than June 30, 2003 Final report: Submit no later than February 15, 2005	The Discharger has complied with this permit provision.
14	Dioxin Study – In accordance with the SIP, major dischargers shall conduct effluent monitoring for the seventeen 2,3,7,8-TCDD congeners. The purpose of the monitoring is to assess the presence and amounts of the congeners being discharged to inland surface waters, enclosed bays and estuaries for the development of a strategy to control these chemicals in a future multi-media approach. Major dischargers are required to monitor the effluent once during the dry season and once during the wet season for a period of three consecutive years. Task (a) Submit a sampling plan, one year after permit adoption, to sample effluent for the 17 congeners Task (b) 30 days after approval of Task (a), commence work in a timely fashion in accordance with the sampling plan. Task (c) Submit a report annually for 3 years documenting the work performed in the sampling plan for the 17 congeners.	The Discharger has complied with this permit provision.
15	Ambient Background Concentration Determination – The Discharger shall take background, ambient water samples near or upstream from the facility. This information is required to perform the RP analysis and to determine effluent limitations. A sampling plan shall be submitted prior to sampling. Sampling may occur in coordination with other POTWs in the area. Task (a) Submit an annual progress report or Regional Monitoring Report one year after permit adoption. Task (b) Submit a report, no later than May 18, 2003, documenting the work performed in the sampling plan.	The Discharger has complied with this permit provision.

16	Mass Offset – If the Discharger wishes to pursue a mass offset program, a mass offset plan for reducing 303(d)-listed pollutants to the same receiving waterbody needs to be submitted for Board approval.	The Discharger did not choose to pursue a mass offset program.
17	Whole Effluent Chronic Toxicity – The Discharger shall monitor and evaluate effluent for chronic toxicity to demonstrate compliance with the Basin Plan narrative toxicity objective.	Annual status reports were submitted.
18	Wastewater Facilities, Review and Evaluation, and Status Reports – Annually, the Discharger shall submit a report describing the current status of its wastewater facility review and evaluation. This report shall include a description or summary of review and evaluation procedures, and applicable wastewater facility programs or capital improvement projects.	Annual status reports were submitted.
19	Operations and Maintenance Manual, Review and Status Reports – The Discharger was required to submit annual reports to the Regional Water Board describing the current status of its operations and maintenance manual review and updating. This report is to include estimated time schedules for completion of any revisions determined necessary, a description of any competed revisions, or a statement that no revisions were needed.	Annual status reports were submitted.
20	Contingency Plan, Review and Status Reports – The Discharger is required to submit an annual report describing the current status of its Contingency Plan review and update. This report should include a description or copy of any completed revisions, or a statement that no changes are needed.	Annual status reports were submitted.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to CWC Article 4, Chapter 4 for discharges that are not subject to regulation under CWA section 402.

B. California Environmental Quality Act (CEQA)

This action to reissue an NPDES permit is exempt from the provisions of the California Environmental Quality Act in accordance with CWC section 13389.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans

The Regional Water Board adopted a *Water Quality Control Plan for the San Francisco*

Bay Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the 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. This plan contains WQOs for coastal and interstate surface waters as well as enclosed bays and estuaries.

3. **National Toxics Rule (NTR) and California Toxics Rule (CTR)**

On December 22, 1992, USEPA adopted the NTR, which was amended on May 4, 1995 and November 9, 1999, and on May 18, 2000, USEPA adopted the CTR, which was amended on February 13, 2001. These rules include water quality criteria (WQC) for priority pollutants and are applicable to this discharge.

4. **State Implementation Policy**

On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

5. **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.

6. **Stringency of Requirements for Individual Pollutants.**

This Order contains restrictions on individual pollutants that are no more stringent than required by the federal CWA. Individual pollutant restrictions consist of technology-based

restrictions and water quality-based effluent limitations. The technology-based effluent limitations consist of restrictions on CBOD, TSS, oil and grease, pH, and chlorine residual. Restrictions on these pollutants are specified in federal regulations, and in the Basin Plan since before May 30, 2000, as discussed in the attached Fact Sheet, Attachment F. The permit's technology-based pollutant restrictions are no more stringent than required by the CWA. WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant WQBELs were derived from the CTR, the CTR is the applicable standard pursuant to section 131.38. The scientific procedures for calculating the individual WQBELs are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by USEPA on January 5, 2005, and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

7. Antidegradation Policy

40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with the Federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing water quality is maintained unless degradation is justified based on specific findings.

The permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution No. 68-16, and the final limitations in this Order are in compliance with antidegradation requirements and meet the requirements of the SIP because these limits hold the Discharger to performance levels that will not cause or contribute to water quality impairment or further water quality degradation. This is because this Order does not provide for an increase in the permitted design flow, allow for a reduction in the level of treatment, or increase effluent limitations with the exception of cyanide and copper.

For cyanide, the revised limits will not degrade water quality because the permitted flow will remain unchanged and the level of treatment provided by the plant will not be reduced. The new limits are equivalent to those anticipated following approval of in the antidegradation analysis section of the Staff Report supporting the cyanide site-specific objectives. Documentation completed for the standards setting process for cyanide addressed antidegradation.That analysis concluded that these new limits would not likely

result in degradation and that any increase would not have a measurable impact on ambient cyanide levels in the Bay. Since the limits anticipated with the site-specific objectives would not degrade the quality of the receiving water, neither will the increased limits in this permit. As such there will be no lowering of water quality beyond the current level authorized in the previous permit, which is the baseline by which to measure whether degradation will occur. Moreover, this Order requires implementation of action plans for cyanide source identification and pollution prevention. Thiese measures will further ensure that maintain existing water quality is maintained or improved.

For copper, this Order establishes final WQBELs, whereas the previous permit included an interim limit. Although the final WQBELs are above the previous interim limitation, the concentration of copper discharges is unlikely to change because the Discharger proposes no changes to its treatment process. The Discharger will maintain current treatment performance for copper because it cannot manipulate its process to adjust effluent copper levels independently of other treatment parameters. To maintain compliance with other effluent limits, the Discharger will maintain its current performance with respect to copper. Moreover, pollution minimization requirements are designed to maintain current performance.

Additionally, this Order establishes alternate limits for copper based on site-specific objectives developed since the previous permit. These limits will become effective if the site-specific objective is adopted during the permit term. Like cyanide, the standards setting process for copper addressed antidegradation, and therefore, an analysis in this permit is unnecessary.

The Order continues the status quo with respect to the level of discharge authorized in the previous permit and thus there will be no change in water quality beyond the level that was authorized in the last permit. Findings authorizing degradation are thus not applicable.

8. Anti-Backsliding Requirements

CWA sections 402(o)(2) and 303(d)(4) and 40 CFR §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. In this Order, all effluent limitations are at least as stringent as those in the previous Order.

9. Monitoring and Reporting Requirements

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. CWC sections 13267 and 13383 authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E of this Order. The MRP may be amended by the Executive Officer pursuant to USEPA regulation 40 CFR §§122.62, 122.63, and 124.5.

10. Federal Water Pollution Control Act.

WQOs and WQC, effluent limitations, and calculations contained in this Order are also based on Sections 201 through 305, and 307 of The Federal Water Pollution Control Act, and amendments thereto, as applicable.

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

On June 6, 2003, the USEPA approved a revised list of impaired water bodies prepared by the State [hereinafter referred to as the 303(d) list], prepared pursuant to provisions of CWA section 303(d) requiring identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Central San Francisco Bay is listed as an impaired waterbody. The pollutants impairing Central San Francisco Bay include chlordane, DDT, diazinon, dieldrin, dioxin compounds, exotic species, furan compounds, mercury, PCBs, dioxin-like PCBs, and selenium. The SIP requires final effluent limitations for all 303(d)-listed pollutants to be based on total maximum daily loads and associated waste load allocations.

1. Total Maximum Daily Loads

The Regional Water Board plans to adopt total maximum daily loads (TMDLs) for pollutants on the 303(d) list in Central San Francisco Bay within the next 10 years. Future review of the 303(d)-list for Central San Francisco Bay may result in revision of the schedules or provide schedules for other pollutants.

2. Waste Load Allocations

The TMDLs will establish waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, and will result in achieving the water quality standards for the waterbodies. Final WQBELs for 303(d)-listed pollutants in this discharge will be based on WLAs contained in the respective TMDLs.

3. Implementation Strategy

The Regional Water Board's strategy to collect water quality data and to develop TMDLs is summarized below:

a. **Data Collection.** The Regional Water Board has given the Discharger the option to collectively assist in developing and implementing analytical techniques capable of detecting 303(d)-listed pollutants to at least their respective levels of concern or WQOs/WQC. This collective effort may include development of sample concentration techniques for approval by the USEPA. The Regional Water Board will require dischargers to characterize the pollutant loads from their facilities into the water-quality limited waterbodies. The results will be used in the development of TMDLs, and may be used to update or revise the 303(d) list or change the WQOs/WQC for the impaired waterbodies including Central San Francisco Bay.

b. **Funding Mechanism.** The Regional Water Board has received, and anticipates continuing to receive, resources from Federal and State agencies for TMDL development. To ensure timely development of TMDLs, the Regional Water Board intends to supplement these resources by allocating development costs among dischargers through the RMP or other appropriate funding mechanisms.

E. Other Plans, Polices and Regulations

This Order is also based on the following plans, polices, and regulations:

1. The Federal *Water Pollution Control Act*, Sections 301 through 305, and 307, and amendments thereto, as applicable (CWA);

2. The State Water Board's March 2, 2000 *Policy for* the USEPA's May 18, 2000 *Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California* or CTR;

3. The USEPA's *Quality Criteria for Water* [EPA 440/5-86-001, 1986] and subsequent amendments (the USEPA Gold Book);

4. Applicable Federal Regulations [40 CFR §§ 122 and 131];

5. 40 CFR §131.36(b) and amendments [Federal Register Volume 60, Number 86, 4 May 1995, pages 22229-22237];

6. USEPA's December 10, 1998 National Recommended Water Quality Criteria compilation [Federal Register Vol. 63, No. 237, pp. 68354-68364];

7. USEPA's December 27, 2002 Revision of National Recommended Water Quality Criteria compilation [Federal Register Vol. 67, No. 249, pp. 79091-79095]; and

8. Guidance provided with State Water Board actions remanding permits to the Regional Water Board for further consideration.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 1) 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards; and 2) 40 CFR §122.44(d) requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, three options exist to protect water quality: 1) 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information may be used; or 3) an indicator parameter

may be established.

Several specific factors affecting the development of limitations and requirements in this Order are discussed as follows:

A. Discharge Prohibitions

1. **Discharge Prohibition III.A. (no discharge other than that described in this Order):** This prohibition is the same as in the previous permit. This prohibition is based on California Water Code section 13260, which requires filing a Report of Waste Discharge before discharges can occur. Discharges not described in the ROWD, and subsequently in the Order, are prohibited.

2. **Discharge Prohibition III.B. (no discharges receiving less than 10:1 dilution):** This prohibition is the same as the previous permit and is based on Discharge Prohibition No. 1 from Table 4-1 of the Basin Plan, which prohibits discharges that do not receive a minimum 10:1 initial dilution. Furthermore, this Order allows a 10:1 dilution credit in the calculation of some water quality based effluent limitations, and these limits would not be protective of water quality, if the discharge did not actually achieve a 10:1 minimum initial dilution.

3. **Discharge Prohibition III.C. (No bypasses except under the conditions at 40 CFR 122.41(m)(4)(i)(A), (B) and (C)):** This prohibition is based on 40 CFR 122.41(m)(4).

   This prohibition grants bypass of peak wet weather flows above 6 MGD that are recombined with secondary treatment flows and discharged at the combined outfall which met the conditions at 40 CFR 122.41(m)(4)(i)(A)-(C).

   Background

   During significant storm events, these high volumes can overwhelm certain parts of the wastewater treatment process and may cause damage or failure of the system. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or on city streets. USEPA recognized that peak wet weather flow diversions around secondary treatment units at POTW treatment plants serving separate sanitary sewer conveyance systems may be necessary in some circumstances.

   In December 2005, USEPA invited public comment on its proposed Peak Wet Weather Policy that provides interpretation that 40 CFR 122.41(m) applies to wet weather diversions that are recombined with flow from the secondary treatment, and guidance by which its NPDES permit may be approved by the Regional Water Board. This policy requires that dischargers must still meet all the requirements of NPDES permits, and encourages municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

   Criteria of 40 CFR 122.41(m)(4)(i)(A)-(C)
   USEPA's Peak Wet Weather policy states that "If the criteria of 40 CFR

122.41(m)(4)(i)(A)-(C) are met, the Regional Water Board can approve peak wet weather diversions that are recombined with flow from the secondary treatment. The criteria of 40 CFR 122.41(m)(4)(i) (Federal Standard Provisions, Attachment D) are (A) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (B) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and (C) the Discharger submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5.

On February 16, 2007, the Discharger submitted a no feasible alternatives analysis showing that at this time, there are no feasible alternatives to blending under certain high flow conditions. For the wet weather years 2002-03 through 2006-06, the Discharger blended 28 times (7 times/year) for a cumulative 119.8 hours (4.3 hours/event average). The average volume of blended wastewater was about 1.9 million gallons per year for this time period. The Discharger is currently working towards the development and evaluation of alternatives to reduce wet weather blending events. They are currently developing a hydraulic model to predict how often blending events would be expected in the future and to evaluate various alternatives to reduce blending, including upstream or inline storage that could potentially reduce peak flows to the treatment plant. Most of the collection system is owned and operated by three independent entities; the City of Sausalito, Tamalpais Community Service District, and the National Park Service. The Discharger has committed to working with these agencies in an effort to reduce inflow and infiltration.

The Discharger has satisfied the criteria of 40 CFR 122.41 (m)(4)(i)(A-C). Bypasses are necessary to prevent severe property damage when flows exceed the capacity of the secondary treatment. The Discharger has analyzed alternatives to bypassing and has determined that no feasible alternative exists at this time. The Discharger has submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5.

4. **Discharge Prohibition III.D. (average dry weather flow not to exceed dry weather design capacity)**: This prohibition is based on the historic and tested reliable treatment capacity of the treatment plant. Exceedance of this design, average dry weather flow capacity may result in lowering the reliability of achieving compliance with water quality requirements.

5. **Discharge Prohibition III.E. (No sanitary sewer overflows (SSO) to waters of the United States)**: The Discharge Prohibition No. 15 from Table 4-1 of the Basin Plan, and the Clean Water Act prohibits the discharge of wastewater to surface waters except as authorize under an NPDES permit. POTWs must achieve secondary treatment, at a minimum, and any more stringent limitations that are necessary to achieve water quality standards. (33U.S.C. §1311(b)(1)(B) and (C).) Thus, an SSO that results in the discharge of raw sewage, or sewage not meeting secondary treatment, to surface waters is prohibited under the Clean Water Act and the Basin Plan.

B. Technology-Based Effluent Limitations

1. Scope and Authority

The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR §133. Permit effluent limitations for conventional pollutants are technology-based. Technology-based effluent limitations are put in place to ensure that full secondary treatment is achieved by the wastewater treatment facility, as required under 40 CFR §133.102. Effluent limitations for these conventional pollutants are defined by the Basin Plan, Table 4-2. Further, these conventional effluent limits are the same as those from the previous permit for the following constituents, except settleable solids which is no longer required per the 2004 Basin Plan amendment:

- Carbonaceous Biochemical Oxygen Demand (CBOD),
- CBOD percent removal,
- Total suspended solids (TSS),
- TSS percent removal,
- pH,
- Oil and grease, and
- Total chlorine residual.

2. Applicable Technology-Based Effluent Limitations

Technology-based effluent limitations are summarized below.

Table F-7. Summary of Technology-based Effluent Limitations

Parameter	Compliance Point	Units	Effluent Limitations				
			Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Carbonaceous Biochemical Oxygen Demand (CBOD)		mg/L	25	40	--	--	--
Total Suspended Solids (TSS)		mg/L	30	45	--	--	--
Oil and Grease		mg/L	10	--	20	--	--
pH		standard units	--	--	--	6.0	9.0
Total Coliform Bacteria		MPN/ 100 ml	--	240	--	--	10000
Total Chlorine Residual		mg/L	--	--	--	--	0.0

a. *CBOD*. This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2).

b. *TSS.* This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2).

c. *pH.* This effluent limitation is unchanged from the previous permit, and is based on the Basin Plan (Chapter 4, Table 4-2). Pursuant to 40 CFR 401.17, pH effluent limitations under continuous monitoring, the Discharger shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied: (i) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) No individual excursion from the range of pH values shall exceed 60 minutes.

d. *Oil and grease.* This effluent limitation is based on the Basin Plan (Chapter 4, Table 4-2).

e. *Total Chlorine Residual.* This effluent limitation is based on the Basin Plan (Chapter 4, Table 4-2).

f. *CBOD and TSS Percent Removal* The average monthly percent removal of CBOD and TSS shall not be less than 85 percent. Demonstration of compliance for removal rates will be based upon concentrations, instead of loads as was in the previous permit, consistent with 40CFR 133.102.

g. *Total Coliform Bacteria.* The five-sample median total coliform density shall not exceed 240 MPN/100 mL and the daily maximum value shall not exceed 10,000 MPN/100mL. These limits are based on the Basin Plan (Chapter 4, Table 4-2).

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

a. As specified at 40 CFR 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an in-stream excursion above any state water quality standard. WQBELs in this Order are revised and updated from the limitations in the previous permit, and their presence in this Order is based on an evaluation of the Discharger's data as described below under the Reasonable Potential Analysis. Numeric WQBELs are required for all constituents that have a reasonable potential to cause or contribute to an excursion above any State water quality standard. Reasonable potential is determined and final WQBELs are developed using the methodology outlined in the SIP. If the Discharger demonstrates that the final limitations will be infeasible to meet and provides justification for a compliance schedule, then interim limitations are established, with a compliance schedule to achieve the final limits.

b. Maximum Daily Effluent Limitations (MDELs) are used in this permit to protect against acute water quality effects. It is impracticable to use weekly average limitations

to guard against acute effects. Although weekly averages are effective for monitoring the performance of biological wastewater treatment plants, the MDELs are necessary for preventing fish kills or mortality to aquatic organisms, as further explained in subsections c through e, below.

c. NPDES regulations, the SIP, and USEPA's Technical Support Document (TSD) provide the basis to establish MDELs. NPDES regulations at 40 CFR §122.45(d) state:

"For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall *unless impracticable* be stated as:

(1) Maximum daily and average monthly discharge limitations for all discharges other than publicly owned treatment works; and

(2) Average weekly and average monthly discharge limitations for POTWs." (Emphasis added.)

d. The amended SIP (p. 8, Section 1.4) requires that WQBELs be expressed as MDELs and average monthly effluent limitations (AMELs). For aquatic life-based calculations (only), the amended SIP indicates MDELs are to be used in place of average weekly limitations for POTWs.

e. The TSD (p. 96) states that a maximum daily limitation is appropriate for two reasons: (1) The basis for the 7-day average for POTWs derives from the secondary treatment requirements. This basis is not related to the need for assuring achievement of water quality standards. (2) The 7-day average, which could be comprised of up to seven or more daily samples, could average out peak toxic concentrations, and therefore the discharge's potential for causing acute toxic effects would be missed. A maximum daily limitation would be toxicologically protective of potential acute toxicity impacts.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The WQC and WQOs applicable to the receiving waters for this discharge are from the Basin Plan; the California Toxics Rule (CTR), established by USEPA at 40 CFR §131.38; and the National Toxics Rule (NTR), established by USEPA at 40 CFR §131.36. Some pollutants have WQC/WQOs established by more than one of these three sources.

a. *Applicable Beneficial Uses.* Beneficial uses applicable to Central San Francisco Bay are from the Basin Plan and are as follows:

Table F-8. Basin Plan Beneficial Uses of Central San Francisco Bay

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Central San Francisco Bay	Ocean Commercial and Sport Fishing (COMM) Estuarine Habitat (EST) Industrial Service Supply (IND) Fish Migration (MIGR) Navigation (NAV) Industrial Process Water Supply (PROC) Preservation of Rare and Endangered Species (RARE) Water Contact Recreation (REC1) Non-contact Water Recreation (REC2) Shellfish Harvesting (SHELL) Fish Spawning (SPWN) Wildlife Habitat (WILD)

b. The WQOs/WQC applicable to the receiving water of this discharge are from the Basin Plan, CTR, and NTR.

(1) **Basin Plan.** The Basin Plan specifies numeric WQOs for 10 priority toxic pollutants, as well as narrative WQOs for toxicity and bioaccumulation in order to protect beneficial uses. The pollutants for which the Basin Plan specifies numeric objectives are arsenic, cadmium, chromium (VI), copper in freshwater, lead, mercury, nickel, silver, zinc, and cyanide. The narrative toxicity objective states in part that "[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms." The bioaccumulation objective states in part that "[c]ontrollable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life. Effects on aquatic organisms, wildlife, and human health will be considered." Effluent limitations and provisions contained in this Order are designed, based on available information, to implement these objectives.

(2) **CTR.** The CTR specifies numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants. These criteria apply to all inland surface waters and enclosed bays and estuaries of the San Francisco Bay Region, although Tables 3-3 and 3-4 of the Basin Plan include numeric objectives for certain of these priority toxic pollutants, which supersede criteria of the CTR (except in the South Bay south of the Dumbarton Bridge).

(3) **NTR.** The NTR establishes numeric aquatic life criteria for selenium, numeric aquatic life and human health criteria for cyanide, and numeric human health criteria for 34 toxic organic pollutants for waters of San Francisco Bay upstream to, and including Suisun Bay and the Delta. These criteria of the NTR are applicable to Central San Francisco Bay, the receiving water for this Discharger.

c. Where RP exists, but numeric WQOs/WQC have not been established or updated in the

Basin Plan, CTR, or NTR, 40 CFR §122.44(d) and Chapter 4 of the Basin Plan specify that WQBELs may be set based on USEPA criteria, supplemented where necessary by other relevant information, to attain and maintain narrative WQC to fully protect designated beneficial uses. This Fact Sheet discusses the specific bases and rationales for the effluent limitations, and is incorporated as part of the Order.

d. *Basin Plan Amendment*. On January 21, 2004, the Regional Water Board adopted Resolution No. R2-2004-0003 amending the Basin Plan to (1) update the dissolved WQOs for metals to be identical to the CTR WQC except for cadmium; (2) to change the Basin Plan definitions of marine, estuarine and freshwater to be consistent with the CTR definitions; (3) to update NPDES implementation provisions to be consistent with the SIP; (4) to remove settleable matter effluent limitations for POTWs, and other editorial changes. Subsequent to approval by the State Water Resources Control Board (State Water Board) and the Office of Administrative Law (OAL) (July 22, 2004, and October 4, 2004, respectively), USEPA approved the amendment on January 5, 2005.

e. *Basin Plan and CTR Receiving Water Salinity Policy.* The Basin Plan and CTR state that the salinity characteristics (i.e., freshwater versus saltwater) of the receiving water shall be considered in determining the applicable WQOs/WQC. Freshwater criteria shall apply to discharges to waters with salinities equal to or less than 1 ppt at least 95 percent of the time. Saltwater criteria shall apply to discharges to waters with salinities equal to or greater than 10 ppt at least 95 percent of the time in a normal water year. For discharges to waters with salinities in between these two categories, or tidally influenced fresh waters that support estuarine beneficial uses, the criteria shall be the lower of the salt- or freshwater criteria (the freshwater criteria for some metals are calculated based on ambient hardness) for each substance.

   The receiving water for this discharger, Central San Francisco Bay, is a salt water environment based on salinity data generated through the San Francisco Estuary Institutes' Regional Monitoring Program (RMP) and the Richardson Bay, Point Isabel, and Yerba Buena Island sampling stations for the period February 1993 – August 2001. In that period, the receiving water's minimum salinity was 11 ppt, its maximum salinity was 31 ppt, and its average salinity was 23 ppt. As salinity was greater than 10 ppt in 100 percent of the receiving water samples, the saltwater criteria from the Basin Plan, NTR, and CTR are applicable to this discharge.

f. *Copper/Nickel Translators.* Because NPDES regulations at 40 CFR §122.45 (c) require effluent limitations for metals to be expressed as total recoverable metal, and applicable water quality criteria for the metals are typically expressed as dissolved metal, factors or translators must be used to convert metals concentrations from dissolved to total recoverable and vice versa. In the CTR, USEPA establishes default translators which are used in NPDES permitting activities; however, site-specific conditions such as water temperature, pH, suspended solids, and organic carbon greatly impact the form of metal (dissolved, filterable, or otherwise) which is present and therefore available in the water to cause toxicity. In general, the dissolved form of the metals is more available and more toxic to aquatic life than filterable forms. Site-specific translators can be

developed to account for site-specific conditions, thereby preventing exceedingly stringent or under protective water quality objectives.

For deep water discharges to Central San Francisco Bay, the Regional Water Board staff are using the following translators for copper and nickel, based on recommendations of the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2005). In determining the need for and calculating WQBELs for all other metals, the Regional Water Board staff has used default translators established by the USEPA in the CTR at 40 CFR §131.38 (b) (2), Table 2.

Table F-9. Metal Translators

Cu and Ni Translators for Deepwater Discharges to Central San Francisco Bay	Copper		Nickel	
	AMEL Translator	**MDEL Translator**	**AMEL Translator**	**MDEL Translator**
	0.74	0.88	0.65	0.85

3. Determining the Need for WQBELs

NPDES regulations at 40 CFR §122.44 (d) (1) (i) require permits to include WQBELs for all pollutants (non-priority or priority) "which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any narrative or numeric criteria within a State water quality standard" (have Reasonable Potential). Thus, assessing whether a pollutant has Reasonable Potential is the fundamental step in determining whether or not a WQBEL is required. For non-priority pollutants, Regional Water Board staff used available monitoring data, receiving water's designated uses, and/or previous permit pollutant limitations to determine Reasonable Potential as described in Sections 3.a. and 3.b. below. For priority pollutants, Regional Water Board staff used the methods prescribed in Section 1.3 of the SIP to determine if the discharge from the Sausalito-Marin City District WWTP demonstrates reasonable potential as described below.

a. Reasonable Potential Analysis

Using the methods prescribed in Section 1.3 of the SIP, Regional Water Board staff analyzed the effluent data to determine if the discharge from the Sausalito-Marin City District WWTP demonstrates Reasonable Potential. The Reasonable Potential Analysis (RPA) compares the effluent data with numeric and narrative WQOs in the Basin Plan and numeric WQC from the USEPA, the NTR, and the CTR. The Basin Plan objectives and CTR criteria are shown in Appendix A of this Fact Sheet.

b. Reasonable Potential Methodology

Using the methods and procedures prescribed in Section 1.3 of the SIP, Regional Water Board staff analyzed the effluent and background data and the nature of facility operations to determine if the discharge has reasonable potential to cause or contribute

to exceedances of applicable SSOs or WQC. Appendix A of this Fact Sheet shows the stepwise process described in Section 1.3 of the SIP.

The RPA projects a maximum effluent concentration (MEC) for each pollutant based on existing data, while accounting for a limited data set and effluent variability. There are three triggers in determining Reasonable Potential.

(1) The first trigger is activated if the MEC is greater than the lowest applicable WQO (MEC $\geq$ WQO), which has been adjusted, if appropriate, for pH, hardness, and translator data. If the MEC is greater than the adjusted WQO, then that pollutant has reasonable potential, and a WQBEL is required.

(2) The second trigger is activated if the observed maximum ambient background concentration (B) is greater than the adjusted WQO (B >WQO), and the pollutant is detected in any of the effluent samples.

(3) The third trigger is activated if a review of other information determines that a WQBEL is required to protect beneficial uses, even though both MEC and B are less than the WQO/WQC. A limitation may be required under certain circumstances to protect beneficial uses.

c. Effluent Data

The Regional Water Board's August 6, 2001 letter titled *Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy* (hereinafter referred to as the Regional Water Board's August 6, 2001 Letter) to all permittees, formally required the Discharger (pursuant to Section 13267 of the CWC) to initiate or continue to monitor for the priority pollutants using analytical methods that provide the best detection limits reasonably feasible. Regional Water Board staff analyzed this effluent data and the nature of the Sausalito-Marin City District WWTP to determine if the discharge has Reasonable Potential. The RPA was based on the effluent monitoring data collected by the Discharger from January 2002 through December 2005. To address State Water Resources Control Board Remand Order WQ 2007-0004, monitoring data from January 2004 through March 2007 were used to determine reasonable potential for total ammonia.

d. Ambient Background Data

Ambient background values are used in the RPA and in the calculation of effluent limitations. For the RPA, ambient background concentrations are the observed maximum detected water column concentrations. The SIP states that for calculating WQBELs, ambient background concentrations are either the observed maximum ambient water column concentrations or, for criteria/objectives intended to protect human health from carcinogenic effects, the arithmetic mean of observed ambient water concentrations. The RMP station at Yerba Buena Island, located in the Central Bay, has been monitored for most of the inorganic (CTR constituent numbers 1–15) and some of the organic (CTR constituent numbers 16–126) toxic pollutants, and this data from the

RMP was used as background data in performing the RPA for this Discharger.

Not all the constituents listed in the CTR have been analyzed by the RMP. These data gaps are addressed by the Regional Water Board's August 6, 2001 Letter. The Regional Water Board's August 6, 2001 Letter formally requires dischargers (pursuant to Section 13267 of the California Water Code) to conduct ambient background monitoring and effluent monitoring for those constituents not currently monitored by the RMP and to provide this technical information to the Regional Water Board.

On May 15, 2003, a group of several San Francisco Bay Region dischargers (known as the Bay Area Clean Water Agencies, or BACWA) submitted a collaborative receiving water study, entitled the *San Francisco Bay Ambient Water Monitoring Interim Report*. This study includes monitoring results from sampling events in 2002 and 2003 for the remaining priority pollutants not monitored by the RMP. The RPA was conducted and the WQBELs were calculated using RMP data from 1993 through 2003 for inorganics and organics at the Yerba Buena Island RMP station, and additional data from the BACWA *Ambient Water Monitoring: Final CTR Sampling Update Report* for the Yerba Buena Island RMP station. The Discharger may utilize the receiving water study provided by BACWA to fulfill all requirements of the August 6, 2001 letter for receiving water monitoring in this Order.

e. RPA Determination

The MECs, most stringent applicable WQOs/WQC, and background concentrations used in the RPA are presented in the following table, along with the RPA results (yes or no) for each pollutant analyzed. Reasonable potential was not determined for all pollutants, as there are not applicable water quality objectives/criteria for all pollutants, and monitoring data was not available for others. RPA results are shown below. The pollutants that exhibit Reasonable Potential are copper, mercury, selenium, zinc, cyanide, bis(2-ethylhexyl)phthalate, chlordane, dioxin–TEQ, and ammonia.

Table F-10. RPA Results for Discharge Point No. 001

CTR #	Priority Pollutants	MEC or Minimum DL [a][b] (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL [a][b] (µg/L)	RPA Results[c]
1	Antimony	**0.8**	4300	1.8	No
2	Arsenic	**8.6**	36	2.46	No
3	Beryllium	< 0.1	No Criteria	0.215	Ud
4	Cadmium	**0.36**	9.4	0.13	No
5a	Chromium (III)	**3.2**	No Criteria	Not Available	Ud
5b	Chromium (VI)	**3.0**	50	4.4	No
6	**Copper**	**23**	4.2	2.45	**Yes**
7	Lead	**1.6**	8.5	0.80	No
8	**Mercury (303d listed)**	**0.042**	0.025	0.0086	Yes
9	Nickel	**8.1**	12.6	3.7	No
10	**Selenium (303d listed)**	**10**	5	0.39	**Yes**
11	Silver	**0.9**	2.2	0.052	No

CTR #	Priority Pollutants	MEC or Minimum DL [a][b] (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL [a][b] (µg/L)	RPA Results[c]
12	Thallium	**0.1**	6.3	0.21	No
13	**Zinc**	**190**	86	5.1	**Yes**
14	**Cyanide**	**28**	1.0	< 0.4	**Yes**
15	Asbestos	Not Available	No Criteria	Not Available	Ud
16	2,3,7,8-TCDD (303d listed)	< 3.09E-07	1.4E-08	Not Available	Ud
16-TEQ	**Dioxin TEQ (303d listed)**	**5.78E-07**	1.4E-08	7.10E-08	**Yes**
17	Acrolein	< 5.0	780	< 0.5	No
18	Acrylonitrile	< 2.0	0.66	0.03	No
19	Benzene	0.3	71	< 0.05	No
20	Bromoform	59	360	< 0.5	No
21	Carbon Tetrachloride	< 0.5	4.4	0.06	No
22	Chlorobenzene	< 0.5	21000	< 0.5	No
23	Chlorodibromomethane	13	34	< 0.05	No
24	Chloroethane	< 0.5	No Criteria	< 0.5	Ud
25	2-Chloroethylvinyl ether	< 1.0	No Criteria	< 0.5	Ud
26	Chloroform	**2.7**	No Criteria	< 0.5	Ud
27	Dichlorobromomethane	5.0	46	< 0.05	No
28	1,1-Dichloroethane	< 0.5	No Criteria	< 0.05	Ud
29	1,2-Dichloroethane	< 0.5	99	0.04	No
30	1,1-Dichloroethylene	< 0.5	3.2	< 0.5	No
31	1,2-Dichloropropane	< 0.5	39	< 0.05	No
32	1,3-Dichloropropylene	< 0.5	1700	Not Available	No
33	Ethylbenzene	0.1	29000	< 0.5	No
34	Methyl Bromide	< 0.5	4000	< 0.5	No
35	Methyl Chloride	1.4	No Criteria	< 0.5	Ud
36	Methylene Chloride	**0.9**	1600	0.5	No
37	1,1,2,2-Tetrachloroethane	< 0.5	11	< 0.05	No
38	Tetrachloroethylene	4.7	8.85	< 0.05	No
39	Toluene	**4.1**	200000	< 0.3	No
40	1,2-Trans-Dichloroethylene	< 0.5	140000	< 0.5	No
41	1,1,1-Trichloroethane	< 0.5	No Criteria	< 0.5	Ud
42	1,1,2-Trichloroethane	< 0.5	42	< 0.05	No
43	Trichloroethylene	< 0.5	81	< 0.5	No
44	Vinyl Chloride	< 0.5	525	< 0.5	No
45	2-Chlorophenol	< 2.0	400	< 1.2	No
46	2,4-Dichlorophenol	< 1.0	790	< 1.3	No
47	2,4-Dimethylphenol	< 1.0	2300	< 1.3	No
48	2-Methyl- 4,6-Dinitrophenol	< 5.0	765	< 1.2	No
49	2,4-Dinitrophenol	< 5.0	14000	< 0.7	No
50	2-Nitrophenol	< 5.0	No Criteria	< 1.3	Ud
51	4-Nitrophenol	< 5.0	No Criteria	< 1.6	Ud
52	3-Methyl 4-Chlorophenol	< 1.0	No Criteria	< 1.1	Ud
53	Pentachlorophenol	< 1.0	7.9	< 1.0	No
54	Phenol	< 1.0	4600000	< 1.3	No
55	2,4,6-Trichlorophenol	< 5.0	6.5	< 1.3	No
56	Acenaphthene	< 0.3	2700	0.0015	No
57	Acenaphthylene	< 0.2	No Criteria	0.00053	Ud
58	Anthracene	< 0.3	110000	0.0005	No
59	Benzidine	< 5.0	0.00054	< 0.0015	No
60	Benzo(a)Anthracene	< 0.3	0.049	0.0053	No

CTR #	Priority Pollutants	MEC or Minimum DL [a][b] (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL [a][b] (µg/L)	RPA Results[c]
61	Benzo(a)Pyrene	< 0.3	0.049	0.00029	No
62	Benzo(b)Fluoranthene	< 0.3	0.049	0.0046	No
63	Benzo(ghi)Perylene	< 0.1	No Criteria	0.0027	Ud
64	Benzo(k)Fluoranthene	< 0.3	0.049	0.0015	No
65	Bis(2-Chloroethoxy)Methane	< 5.0	No Criteria	< 0.3	Ud
66	Bis(2-Chloroethyl)Ether	< 1.0	1.4	< 0.3	No
67	Bis(2-Chloroisopropyl)Ether	< 2.0	170000	Not Available	No
68	**Bis(2-Ethylhexyl)Phthalate**	**62**	5.9	< 0.5	**Yes**
69	4-Bromophenyl Phenyl Ether	< 5.0	No Criteria	< 0.23	Ud
70	Butylbenzyl Phthalate	< 5.0	5200	< 0.52	No
71	2-Chloronaphthalene	< 5.0	4300	< 0.3	No
72	4-Chlorophenyl Phenyl Ether	< 5.0	No Criteria	< 0.3	Ud
73	Chrysene	< 0.3	0.049	0.0024	No
74	Dibenzo(a,h)Anthracene	< 0.1	0.049	0.00064	No
75	1,2-Dichlorobenzene	< 0.5	17000	< 0.8	No
76	1,3-Dichlorobenzene	< 0.5	2600	< 0.8	No
77	1,4-Dichlorobenzene	**0.4**	2600	< 0.8	No
78	3,3 Dichlorobenzidine	< 5.0	0.077	< 0.001	No
79	Diethyl Phthalate	1.0	120000	< 0.24	No
80	Dimethyl Phthalate	< 2.0	2900000	< 0.24	No
81	Di-n-Butyl Phthalate	4.6	12000	< 0.5	No
82	2,4-Dinitrotoluene	< 5.0	9.1	< 0.27	No
83	2,6-Dinitrotoluene	< 5.0	No Criteria	< 0.29	Ud
84	Di-n-Octyl Phthalate	< 5.0	No Criteria	< 0.38	Ud
85	1,2-Diphenylhydrazine	< 1.0	0.54	0.0037	No
86	Fluoranthene	< 0.05	370	0.011	No
87	Fluorene	< 0.1	14000	0.00208	No
88	Hexachlorobenzene	< 1.0	0.00077	0.0000202	No
89	Hexachlorobutadiene	< 1.0	50	< 0.3	No
90	Hexachlorocyclopentadiene	< 5.0	17000	< 0.31	No
91	Hexachloroethane	< 1.0	8.9	< 0.2	No
92	Indeno(1,2,3-cd)Pyrene	< 0.05	0.049	0.004	No
93	Isophorone	< 1.0	600	< 0.3	No
94	Naphthalene	< 0.2	No Criteria	0.0023	Ud
95	Nitrobenzene	< 1.0	1900	< 0.25	No
96	N-Nitrosodimethylamine	< 5.0	8.1	< 0.3	No
97	N-Nitrosodi-n-Propylamine	< 5.0	1.4	< 0.001	No
98	N-Nitrosodiphenylamine	< 1.0	16	< 0.001	No
99	Phenanthrene	< 0.05	No Criteria	0.0061	Ud
100	Pyrene	< 0.05	11000	0.0051	No
101	1,2,4-Trichlorobenzene	< 5.0	No Criteria	< 0.3	Ud
102	Aldrin	< 0.01	0.00014	Not Available	No
103	alpha-BHC	< 0.01	0.013	0.000496	No
104	beta-BHC	< 0.01	0.046	0.000413	No
105	gamma-BHC	< 0.01	0.063	0.0007034	No
106	delta-BHC	< 0.01	No Criteria	0.000042	Ud
107	**Chlordane (303d listed)**	0.018J	0.00059	0.00018	**Yes**
108	4,4'-DDT (303d listed)	<0.01	0.00059	0.000066	No
109	4,4'-DDE (linked to DDT)	< 0.01	0.00059	0.000693	No
110	4,4'-DDD	< 0.01	0.00084	0.000313	No

CTR #	Priority Pollutants	MEC or Minimum DL [a][b] (µg/L)	Governing WQO/WQC (µg/L)	Maximum Background or Minimum DL [a][b] (µg/L)	RPA Results[c]
111	Dieldrin (303d listed)	< 0.01	0.00014	0.000264	No
112	alpha-Endosulfan	< 0.01	0.0087	0.000031	No
113	beta-Endolsulfan	< 0.01	0.0087	0.000069	No
114	Endosulfan Sulfate	< 0.01	240	0.0000819	No
115	Endrin	< 0.01	0.0023	0.000036	No
116	Endrin Aldehyde	< 0.01	0.81	Not Available	No
117	Heptachlor	< 0.01	0.00021	0.000019	No
118	Heptachlor Epoxide	< 0.01	0.00011	0.00002458	No
119-125	PCBs sum (303d listed)	< 0.1	0.00017	0.001462	No
126	Toxaphene	< 0.5	0.00020	Not Available	No
	Tributylin	Not Available	0.01	Not Available	No
	Total PAHs	< 0.05	15	0.26	No
	Ammonia[d]	38.8	1.19	0.17	Yes

(a) The Maximum Effluent Concentration (MEC) or maximum background concentration is the actual detected concentration unless there is a "<" sign before it, in which case the value shown is the minimum detection level. Values shown with a "J" indicate an estimated, not quantified value.

(b) Maximum Background =Not Available, if there is not monitoring data for this constituent.

(c) RPA Results =Yes, if MEC >WQO/WQC,
=No, if MEC or all effluent concentration non-detect <WQO/WQC,
=Ud, Undetermined if no objective promulgated

(d) The units for ammonia are expressed in mg/L.

(1) **Constituents with limited data.** The Discharger has performed sampling and analysis for the constituents listed in the CTR. This data set was used to perform the RPA. In some cases, Reasonable Potential cannot be determined because effluent data are limited, or ambient background concentrations are not available. The Discharger will continue to monitor for these constituents in the effluent using analytical methods that provide the best feasible detection limits. When additional data become available, further RPA will be conducted to determine whether to add numeric effluent limitations to this Order or to continue monitoring.

(2) **Pollutants with no Reasonable Potential.** WQBELs are not included in this Order for constituents that do not demonstrate Reasonable Potential; however, monitoring for those pollutants is still required. If concentrations of these constituents are found to have increased significantly, the Discharger will be required to investigate the source(s) of the increase(s). Remedial measures are required if the increases pose a threat to water quality in the receiving water.

The previous permit (Order No. 00-060) included WQBELs for nickel; however, because the RPA showed that discharges no longer demonstrate a reasonable potential to cause or contribute to exceedances of applicable water quality criteria for this pollutant, limitations from the previous permit are not retained. This is consistent with State Water Resources Control Board Order WQO 2002-0011 (i.e. there is not sufficient evidence to suggest that these pollutants have the potential to exhibit reasonable potential).

4. WQBEL Calculations

a. WQBELs were developed for the toxic and priority pollutants that were determined to have reasonable potential to cause or contribute to exceedances of the WQOs or WQC. The WQBELs were calculated based on appropriate WQOs/WQC and the appropriate procedures specified in Section 1.4 of the SIP. The WQOs or WQC used for each pollutant with Reasonable Potential is discussed below.

b. Dilution Credit - The SIP provides the basis for the dilution credit granted. The outfall is designed to achieve an initial dilution of 10:1. However, review of RMP data (local and Central Bay stations) indicates there is variability in the receiving water, and the hydrology of the receiving water is very complex. Therefore, there is uncertainty associated with the representative nature of the appropriate ambient background data for effluent limit calculations. Pursuant to Section 1.4.2.1 of the SIP, "dilution credit may be limited or denied on a pollutant-by-pollutant basis...." The Regional Water Board finds that a conservative 10:1 dilution credit for non-bioaccumulative priority pollutants, and a zero dilution credit for bioaccumulative priority pollutants are necessary for protection of beneficial uses. The detailed basis for each are explained below.

1) For certain bioaccumulative pollutants, based on BPJ, dilution credit is not included in calculating the final WQBELs. This determination is based on available data on concentrations of these pollutants in aquatic organisms, sediment, and the water column. The Regional Water Board placed selenium, mercury, and polychlorinated biphenyls (PCBs) on the CWA Section 303(d) list. U.S. EPA added dioxin and furan compounds, chlordane, dieldrin, and 4,4'-DDT to the CWA Section 303(d) list. Dilution credit is not included for mercury. The following factors suggest that there is no more assimilative capacity in the Bay for these pollutants.

San Francisco Bay fish tissue data show that these pollutants exceed screening levels. The fish tissue data are contained in *Contaminant Concentrations in Fish from San Francisco Bay 1997* (May 1997). Denial of dilution credits for these pollutants is further justified by fish advisories for San Francisco Bay. The Office of Environmental Health and Hazard Assessment (OEHHA) performed a preliminary review of the data from the 1994 San Francisco Bay pilot study, *Contaminated Levels in Fish Tissue from San Francisco Bay*. The results of the study showed elevated levels of chemical contaminants in the fish tissues. Based on these results, OEHHA issued an interim consumption advisory covering certain fish species from the Bay in December 1994. This interim consumption advice was issued and is still in effect owing to health concerns based on exposure to sport fish from the Bay contaminated with mercury, dioxins, and pesticides (e.g., DDT).

For selenium, the denial of dilution credits is based on Bay waterfowl tissue data presented in the California Department of Fish and Game's Selenium Verification Study (1986-1990). This data shows elevated levels of selenium in the livers of waterfowl that feed on bottom dwelling organisms such as clams. Additionally, in

1987 the Office of Environmental Health Hazard Assessment issued an advisory for the consumption of two species of diving duck in the north bay found to have high levels of selenium. This advisory is still in effect.

2) Furthermore, Section 2.1.1 of the SIP states that for bioaccumulative compounds on the 303(d) list, the Regional Water Board should consider whether mass-loading limits should be limited to current levels. The Regional Water Board finds that mass-loading limits are warranted for mercury for the receiving waters of this Discharger. This is to ensure that this Discharger does not contribute further to impairment of the narrative objective for bioaccumulation.

3). For non-bioaccumulative constituents (except ammonia and cyanide), a conservative allowance of 10:1 dilution for discharges to the Bay has been assigned for protection of beneficial uses. This 10:1 dilution ratio is based on the Basin Plan's prohibition number 1, which prohibits discharges like those from 001 with less than 10:1 dilution. As existing outfall structure at 001 is designed to achieve a minimum 10:1 initial dilution. Limiting the dilution credit is based on SIP provisions in Section 1.4.2. The following outlines the basis for derivation of the dilution credit.

i. A far-field background station is appropriate because the receiving water body (the Bay) is a very complex estuarine system with highly variable and seasonal upstream freshwater inflows and diurnal tidal saltwater inputs. The SIP allows background to be determined on a discharge-by-discharge or water body-by-water body basis (SIP 1.4.3). Consistent with the SIP, Regional Water Board staff has chosen to use a water body-by-water body basis because of the uncertainties inherent in accurately characterizing ambient background in a complex estuarine system on a discharge-by-discharge basis. The Yerba Buena Island Station fits the guidance for ambient background in the SIP compared to other stations in the RMP. The SIP states that background data are applicable if they are "representative of the ambient receiving water column that will mix with the discharge." Regional Water Board staff believes that data from this station are representative of water that will mix with the discharge. Although this station is located near the Golden Gate, it would represent the typical water flushing in and out of the Bay each tidal cycle. For most of the Bay, the waters represented by this station make up a large part of the receiving water that will mix with the discharge.

ii. Because of the complex hydrology of the San Francisco Bay, a mixing zone has not been established. There are uncertainties in accurately determining the mixing zones for each discharge. The models that have been used to predict dilution have not considered the three-dimensional nature of the currents in the estuary resulting from the interaction of tidal flushes and seasonal fresh water outflows. Salt water is heavier than fresh water, colder saltwater from the ocean flushes in twice a day generally under the warmer fresh river waters that flow out annually. When these waters mix and interact, complex circulation patterns

occur due to the different densities of these waters. These complex patterns occur throughout the estuary but are most prevalent in the San Pablo, Carquinez Strait, and Suisun Bay areas. The locations change depending on the strength of each tide and the variable rate of delta outflow. Additionally, sediment loads to the bay from the Central Valley also change on a longer-term basis. These changes can result in changes to the depths of different parts of the Bay making some areas more shallow and/or other areas more deep. These changes affect flow patterns that in turn can affect the initial dilution achieved by a diffuser.

iii. The SIP allows limiting a mixing zone and dilution credit for persistent pollutants (e.g., copper, silver, nickel, and lead). Discharges to the bay are defined in the SIP as incompletely mixed discharges. Thus, dilution credit should be determined using site-specific information. The SIP 1.4.2.2 specifies that the Regional Water Board "significantly limit a mixing zone and dilution credit as necessary... For example, in determining the extent of a mixing zone or dilution credit, the RWQCB shall consider the presence of pollutants in the discharge that are ...persistent." The SIP defines persistent pollutants to be "substances for which degradation or decomposition in the environment is nonexistent or very slow." The pollutants at issue here are persistent pollutants (e.g. copper). The dilution studies that estimate actual dilution do not address the effects of these persistent pollutants in the Bay environment, such as their long-term effects on sediment concentrations. Though this concern would not apply to non-persistent pollutants like cyanide and some organic compounds, a conservative dilution credit is still appropriate because of the lack of near field receiving water data for these pollutants.

iv. In calculating WQBELs for total ammonia, actual initial dilution of 84:1 for acute toxicity and 237:1 for chronic toxicity was used based on the Discharger's dilution study[1]. This is because ammonia is not a persistent pollutant, and the Basin Plan states: "In most instances, ammonia will be diluted or degraded to a nontoxic state fairly rapidly." As such, there is unlikely to be cumulative toxicity effects associated with discharges containing elevated concentrations of ammonia. Therefore, granting dilution credits based on actual initial dilution is protective of water quality.

v. For cyanide, a non-persistent pollutant that quickly disperses and degrades like ammonia, a dilution rate of 76:1 (or D =75) was used to calculate the water quality based effluent limits. Whereas "full" dilution of 83:1 was granted for ammonia, less dilution is granted for cyanide because SIP Section 1.4.2.2 dictates that mixing zones be a small as practicable. Limiting dilution is equivalent to decreasing the size of the allowed mixing zone. The different approach for cyanide (versus ammonia) reflects the fact that cyanide has been regulated in permits for decades in this region. As a result of past conservative policies and changes in policies and standards, the process for deriving effluent limits for cyanide are more stringent than those for ammonia to comply with

[1] Applicaton for Modification of Secondary Treatment Requirements for Discharge into Marine Waters for Sausalito-Marin City Sanitary District 1982. Kennedy/Jenks Engineers.

antidegradation. In other words, because past policies have resulted in very stringent limitations, to backslide from these limits, CWA 303(d)(4) provides that there must be compliance with antidegradation policies.

Since the background documentation for the proposed cyanide site-specific objectives included an antidegradation analysis, which concluded that certain effluent limitations resulting from implementation of the site-specific objectives (assuming 10:1 dilution) would not degrade water quality, the dilution credit used here is the dilution credit that results in effluent limits no greater than those identified in the site-specific objectives documents for this Discharger. This resultant dilution credit for cyanide is also in compliance with the SIP, which requires the mixing zone be as small as practicable. Additionally, consistent with the site-specific objective conclusion on antidegradation, to further ensure that water quality is not degraded, this Order requires a cyanide action plan similar to that proposed with the site-specific objective.

c. Interim Limitations and Compliance Schedules

(1) The SIP and the Basin Plan authorize compliance schedules in a permit if an existing Discharger cannot immediately comply with a new and more stringent effluent limitation. Compliance schedules for limitations derived from CTR WQC are based on Section 2.2 of the SIP, and compliance schedules for limitations derived from Basin Plan WQOs are based on the Basin Plan. Both the SIP and the Basin Plan require the Discharger to demonstrate the infeasibility of achieving immediate compliance with the new limitation to qualify for a compliance schedule.

The SIP and Basin Plan require the following documentation to be submitted to the Regional Water Board to support a finding of infeasibility:

- Descriptions of diligent efforts the Discharger have made to quantify pollutant levels in the discharge, sources of the pollutant in the waste stream, and the results of those efforts.
- Descriptions of source control and/or pollutant minimization efforts currently under way or completed.
- A proposed schedule for additional or future source control measures, pollutant minimization, or waste treatment.
- A demonstration that the proposed schedule is as short as practicable.

The Basin Plan provides for a 10-year compliance schedule to implement measures to comply with new standards as of the effective date of those standards. This provision applies to the objectives adopted in the 2004 Basin Plan Amendment. Additionally, the provision authorizes compliance schedules for new interpretations of other existing standards if the new interpretation results in more stringent limitations. Pursuant to State Water Board Order WQ 2007-0004, new

interpretations are limited to existing narrative standards, but not numeric standards.

(2) On January 12, 2007 the Discharger submitted a feasibility study (the 2007 Feasibility Study), asserting it is infeasible to immediately comply with final WQBELs, for mercury, selenium, cyanide, dioxin-TEQ, bis(2-ethylhexyl)phthalate, and chlordane. Based on this analysis and the Regional Water Board's own evaluation of feasibility to comply, the Regional Water Board concurs that it is infeasible to achieve immediate compliance with final limitations for mercury, selenium, cyanide, dioxin-TEQ, and chlordane. The basis for the Regional Water Board's conclusion for each parameter is provided in Section IV.C.4.d of this Fact Sheet.

d. WQBEL Calculations for Priority Pollutants

The WQBEL calculations for priority pollutants are summarized below:

Table F-11. Effluent Limitation Calculations for Discharge Point No. M-001

PRIORITY POLLUTANTS	Copper		Cyanide		Mercury	Dioxin-TEQ	Selenium	Zinc	bis(2-ethylhexyl)phthalate	Chlor-dane
Basis and Criteria type	BP & CTR SW Aquatic Life	SSOs (Dec 04)	NTR Aq Life	Proposed SSOs (Nov 05)	BP FW Aq Life	BP HH Criterion				
Lowest WQO (µg/L)	4.2	2.5	1.0	2.9	0.025	1.4×10^{-8}	5.0	85.6	5.9	0.00059
Applicable CTR or Site Specific Translators (chronic/acute)	0.74 / 0.88	0.74 / 0.88	—		—	—				
Water Effects Ratio	2.4	2.4	1.0		1.0	1.0				
Dilution Factor (D) (if applicable)	9	9	75	9	0	0	0	9	9	0
No. of samples per month	4	4	4	4	4	4	4	4	4	4
Aquatic life criteria analysis required? (Y/N)	Y	Y	Y	Y	Y	N	Y	Y	N	Y
HH criteria analysis required? (Y/N)	N	N	N	N	Y	Y	N	N	Y	Y
Applicable Acute WQO	13	11	1.0	9.4	2.1	—	20	95	—	0.09
Applicable Chronic WQO	10.1	8.1	1.0	2.9	0.025	—	5	86	—	0.004
HH criteria	—	—	220,000	220,000	0.051	1.4×10^{-8}	—	—	5.9	0.00059
Background (max conc for Aquatic Life calc)	2.45	2.45	0.4	0.4	0.0086	7.1×10^{-8}	0.39	5.1	0.5	0.00018
Background (avg conc for HH calc)	—	—	—	—	0.0022	5.0×10^{-8}	—	—	0.5	0.000087
Is the pollutant bioaccumulative (Y/N)? (e.g., Hg)	N	N	N	N	Y	Y	N	N	N	Y
ECA acute	109	84	46.0	90.4	2.1	—	20	905	—	0.1
ECA chronic	78	59	46.0	25.4	0.025	—	5	810	—	0.0
ECA HH	—	—	220,000	220,000	0.051	1.4×10^{-8}	—	—	54.9	0.00059
No. of data points <10 or at least 80% reported non detect?	N	N	N	N	N	Y	N	N	Y	Y
Avg of data points	13.2	13.2	8.3	8.3	0.023	—	1.8	100.5	—	—
SD	3.1	3.1	7.4	7.4	0.007	—	1.7	25.3	—	—
CV calculated	0.23	0.23	0.90	0.90	0.32	—	0.91	0.25	—	—

PRIORITY POLLUTANTS	Copper		Cyanide		Mercury	Dioxin-TEQ	Selenium	Zinc	bis(2-ethylhexyl)phthalate	Chlor-dane
CV (Selected) - Final	0.23	0.23	0.90	0.90	0.29	0.6	0.91	0.25	0.6	0.6
ECA acute mult99	0.60	0.60	0.23	0.23	0.54	---	0.22	.058	---	0.32
ECA chronic mult99	0.77	0.77	0.41	.041	0.72	---	0.40	0.75	---	0.53
LTA acute	65.54	50.76	10.35	20.34	1.13	---	4.46	524.82	---	0.03
LTA chronic	60.35	45.39	18.63	10.29	0.02	---	2.01	610.29	---	0.00
Minimum of LTAs	60	45	10.4	10	0.02	---	2	525	---	0
AMEL mult95	1.20	1.20	1.84	1.84	1.25	1.55	1.85	1.22	1.55	1.55
MDEL mult99	1.66	1.66	4.44	4.44	1.86	3.11	4.48	1.73	3.11	3.11
AMEL (aq life)	72.54	54.55	19.1	18.98	0.023	---	3.73	639.87		0.00
MDEL(aq life)	100.24	75.39	46.0	45.72	0.034	---	9.01	905.47		0.01
MDEL/AMEL Multiplier	1.38	1.38	2.41	2.41	1.48	2.01	2.42	1.42	2.01	2.01
AMEL (human hlth)			220000	220000	0.051	0			55	0
MDEL (human hlth)			529941	529941	0.076	0			109	0
Minimum of AMEL for Aq. life vs HH	73	55	19.1	19	0.023	1.4E-08	4	640	55	0.00059
Minimum of MDEL for Aq. Life vs HH	100	75	46.0	46	0.034	2.81E-08	9	905	109	0.0012
Current limit in permit (30-d avg)					0.2			502		
Current limits in permit (daily)	28	28	25	25	1.0		50	665		
Final limit - AMEL	73	55	19	19	0.023		4	502	55	0.00059
Final limit - MDEL	100	75	46	46	0.034		9	665	109	0.0012
Max Eff Conc (MEC), 2003-2005	23	23	28	28	0.042	5.78E-07	10	190	62	0.018

* denotes an interim limitation

e. WQBEL Calculations for Total Ammonia

The WQBEL calculations for total ammonia are summarized below:

Table F-12. Effluent Limitation Calculations for Ammonia at Discharge Point M-001

Pollutant	Total Ammonia Acute	Total Ammonia Chronic
Basis and Criteria type	Basin Plan	Basin Plan
Lowest WQO (mg/L)	4.65	1.19
Dilution Factor (D) (if applicable)	83	236
No. of samples per month	4	30
Aquatic life criteria analysis required? (Y/N)	Y	Y
HH criteria analysis required? (Y/N)	N	N
Background (max conc for Aquatic Life calc)	0.17	0.09
Is the pollutant bioaccumulative (Y/N)? (e.g., Hg)	N	N
ECA acute	380	---
ECA chronic	---	260
No. of data points <10 or at least 80% reported non detect?	N	N
Avg of data points	13	13
SD	7.9	7.9
CV calculated	0.63	0.63
CV (Selected) - Final	0.63	0.63
ECA acute mult99	0.31	---
ECA chronic mult99	---	0.93
LTA acute	116	---
LTA chronic	---	240
AMEL mult95	1.6	1.2
MDEL mult99	3.3	3.3
AMEL (aq life)	180	290
MDEL(aq life)	380	790
Current limit in permit (30-d avg)	---	---
Current limits in permit (daily)	---	---
Final limit – AMEL (mg/L)	---	180
Final limit – MDEL (mg/L)	---	380

f. Summary of Numeric Effluent Limitations for Discharge Point No. 001

The numeric water quality-based effluent limitations are summarized below:

Table F-13. Summary of Numeric WQBELs

Parameters	Units	Final Limitations		Interim Limitations	
		MDEL	AMEL	MDEL	AMEL
Copper	µg/L	100	73	---	---
Mercury	µg/L	0.034	0.023	---	---
Selenium	µg/L	9.0	3.7	---	----
Zinc	µg/L	670	500	---	---
Cyanide	µg/L	46	19	---	---
Bis(2-ethylhexyl)phthalate	µg/L	110	55	---	---
Chlordane	µg/L	0.0012	0.00059	0.10	---
Dioxin-TEQ	µg/L	2.8E-08	1.4E-08	---	---
Total Ammonia	mg/L	380	180	---	---

g. Calculation of Pollutant Specific WQBELs

1. Copper

(a) *Copper WQC.* The salt water, acute and chronic criteria from the Basin Plan and the CTR for copper for protection of aquatic life are 4.2 and 5.5 µg/L, respectively. These criteria were determined using site-specific translators of 0.74 (chronic) and 0.88 (acute), as recommended by the Clean Estuary Partnership's *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2005). Site-specific translators were applied to chronic (3.1 µg/L dissolved metal) and acute (4.8 µg/L dissolved metal) criteria of the Basin Plan and the CTR for protection of salt water aquatic life to calculate the criteria of 4.2 µg/L for acute protection and 5.5 µg/L for chronic protection, which were used to perform the RPA and to calculate effluent limitations.

(b) *RPA Results.* This Order establishes effluent limitations for copper, as the maximum observed effluent concentration of 23 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Copper WQBELs.* WQBELs are calculated based on water quality criteria of the CTR. The criteria are expressed as total recoverable metal, using site-specific translators recommended by the Clean Estuary Partnerships' *North of Dumbarton Bridge Copper and Nickel Development and Selection of Final Translators* (2004), and a water effects ratio (WER) of 2.4, as recommended by the Partnership. The following table compares effluent limitations for copper from the expiring Order (Order No. 00-060) with limitations calculated according to SIP procedures, using the two sets of criteria, described above. The newly calculated limitations take into account the deep water nature of the discharge, and therefore, in accordance with the Basin Plan, are based on an initial dilution of 10:1.

Final Effluent Limitations for Copper		
	AMEL	**MDEL**
Order No. 00-060	---	28 μg/L (interim)
Based on CTR Criteria	73 μg/L	100 μg/L
Based on Site-Specific Objectives	55 μg/L	75 μg/L

Because the MDEL in the previous Order was an interim limitation, it is not being retained by this Order. The newly calculated limitations, based on CTR criteria are being established as final effluent limitations for copper.

2. Mercury

(a) *Mercury WQC.* The most stringent applicable water quality criteria for mercury are established by the Basin Plan for protection of fresh water aquatic life – 2.1 μg/L and 0.025 μg/L, acute and chronic criteria respectively.

(b) *RPA Results.* This Order establishes effluent limitations for mercury, because the receiving water for this discharge is 303(d) listed for mercury, and the Regional Water Board's policy in these circumstances is to find Reasonable Potential by Trigger 3 and establish effluent limitations for discharges to Central San Francisco Bay.

(c) *Mercury WQBELs.* Mercury final WQBELs, calculated according to SIP procedures, are 0.023 μg/L (AMEL) and 0.034 μg/L (MDEL).

(d) *Immediate Compliance Infeasible.* The Discharger's Infeasibility Analysis indicates that recent monitoring data show that it can not immediately comply with final limits (maximum concentration on 0.042 μg/L >0.021 μg/L AMEL). Therefore, the Water Board concludes that immediate compliance is infeasible for mercury.

(e) *Need for Cease and Desist Order.* Pursuant to State Water Board Order WQ2007-0004, compliance schedules are not authorized for numeric objectives or criteria that were in effect prior to the SIP. This includes the Basin Plan objectives for mercury. Because it is infeasible for the Discharger to immediately comply with final WQBELs for mercury, the Discharger will discharge in violation of this Order. Therefore, a cease and desist order will be adopted concurrent with this Order. The Cease and Desist Order is necessary to ensure that the Discharger achieves compliance. It establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened

violations.

3. Selenium

(a) *Selenium WQC.* The salt water, acute and chronic criteria from the NTR for selenium for protection of aquatic life are 20 and 5 μg/L, respectively.

(b) *RPA Results.* This Order establishes effluent limitations for selenium, as the maximum observed effluent concentration of 10 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Selenium WQBELs.* Final WQBELs for selenium, calculated according to SIP procedures, are 3.7 μg/L (AMEL) and 9.0 μg/L (MDEL).

(d) *Immediate Compliance Infeasible.* The Discharger's Infeasibility Analysis indicates that recent monitoring data show that it can not immediately comply with final limits (maximum concentration of 10 μg/L >9 μg/L MDEL). Therefore, the Water Board concludes that immediate compliance is infeasible for selenium.

(e) *Need for Cease and Desist Order.* Pursuant to State Water Board Order WQ2007-0004, compliance schedules are not authorized for numeric objectives or criteria that were in effect prior to the SIP. This includes the NTR criteria for selenium. Because it is infeasible for the Discharger to immediately comply with final WQBELs for selenium, the Discharger will discharge in violation of this Order. Therefore, a cease and desist order will be adopted concurrent with this Order. The Cease and Desist Order is necessary to ensure that the Discharger achieves compliance. It establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.

4. Zinc

(a) *Zinc WQC.* The salt water, acute and chronic criteria from the Basin Plan and the CTR for zinc for protection of aquatic life are 95 and 86 μg/L, respectively.

(b) *RPA Results.* This Order establishes effluent limitations for zinc, as the maximum observed effluent concentration of 190 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Zinc WQBELs.* Final WQBELs for zinc, calculated according to SIP procedures, are 502 μg/L (AMEL) and 665 μg/L (MDEL). .

5. Cyanide

(a) *Cyanide WQC.* The most stringent applicable water quality criteria for cyanide are established by the NTR for protection of salt water aquatic life. The NTR establishes both the saltwater Criterion Maximum Concentration (acute criterion) and the Criterion Chronic Concentration (chronic criterion) at 1.0 µg/L.

(b) *RPA Results.* This Order establishes effluent limitations for cyanide because the 28.0 µg/L MEC exceeds the governing WQC of 1 µg/L, demonstrating reasonable potential by Trigger 1, as defined in a previous finding.

(c) *Cyanide WQBELs.* Final WQBELs for cyanide, calculated according to SIP procedures, are 19 µg/L (AMEL) and 46 µg/L (MDEL).

(d) *Immediate Compliance Infeasible.* The Discharger's Feasibility Study asserts that it cannot immediately comply with final WQBELs for cyanide. Regional Water Board staff disagrees with the Discharger's assertions for cyanide because the currently proposed limits are higher than those anticipated by the Discharger based on its review of previously drafted limits. The revised limits now relate to a new compliance point and reflect a dilution ratio of 75:1, and compliance is feasible.

6. Bis(2-ethylhexyl)phthalate

(a) *Bis(2-ethylhexyl)phthalate WQC.* The most stringent applicable water quality criteria for bis(2-ethylhexyl)phthalate is 5.9 µg/L based on the CTR.

(b) *RPA Results.* This Order establishes effluent limitations for bis(2-ethylhexyl)phthalate, as the maximum observed effluent concentration of 62 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Bis(2-ethylhexyl)phthalate WQBELs.* Final WQBELs for bis(2-ethylhexyl)phthalate, calculated according to SIP procedures, are 55 µg/L (AMEL) and 109 µg/L (MDEL).

7. Chlordane

(a) *Chlordane WQC.* The most stringent applicable water quality criteria for chlordane is 0.00059 µg/L based on the CTR.

(b) *RPA Results.* This Order establishes effluent limitations for chlordane, as the maximum observed effluent concentration of 0.018 µg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *Chlordane WQBELs.* Final WQBELs for chlordane, calculated according to SIP procedures, are 0.00059 μg/L (AMEL) and 0.0012 μg/L (MDEL).

(d) *Immediate Compliance Infeasible.* The Discharger's Feasibility Study asserts that it cannot immediately comply with final WQBELs for chlordane. Since there is insufficient data to calculate a 95th or 99th percentile concentration, feasibility to comply is determined by comparing the maximum effluent concentration (MEC, 0.018 µg/L) to the AMEL (0.00059 µg/L) and MDEL (0.0012 µg/L). The comparison shows that it is infeasible for the Discharger to immediately comply with final effluent concentrations.

(e) *Interim Effluent Limitation.* Because it is infeasible for the Discharger to immediately comply with the final WQBELs for chlordane, an interim effluent limitation is required. An interim limit was set at the ML (0.1 µg/L) because there was insufficient data to calculate the 99.87th percentile.

(f) *Term of Interim Effluent Limitation.* The chlordane interim effluent limitation shall remain effective until May 18, 2010. The previous permit did not grant an interim limit for chlordane. As it is not possible for the Discharger to document compliance because U.S. EPA approved analytical methods cannot quantify chlordane at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Discharger has not been previously granted such a schedule under §2.1, the Discharger qualifies for such a §2.1 schedule up to the maximum statutory date (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

(g) *Need for Cease and Desist Order.* Since there is uncertainty regarding whether the Discharger will be able to comply with final effluent limitations for chlordane by May 18, 2010, the Discharger threatens to discharge in violation of this Order. Therefore, a cease and desist order will be adopted concurrent with this Order. The Cease and Desist Order is necessary to ensure that the Discharger achieves compliance. It establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations

8. 2,3,7,8 TCDD - TEQ

(a) WQC. The most stringent applicable water quality criterion for dioxin-TEQ is 1.4 x 10^{-8} μg/L, which is translated from the narrative bioaccumulation objective established by the Regional Water Board through the Basin Plan. The Basin Plan's narrative bioaccumulation objective is applicable to dioxins and furans, since these constituents accumulate in sediments and bioaccumulate in the fatty tissue of fish and other organisms. The narrative objective is translated into a numeric objective expressed in 2,3,7,8-TCDD equivalents (or dioxin-TEQ) based on the CTR criterion for 2,3,7,8-TCDD

and the application of the Toxic Equivalence Factors (TEFs) for dioxin and furans adopted by the World Health Organization in 1998.

(b) *RPA Results*. Because the receiving water is currently listed on the CWA 303(d) list as impaired due to dioxins and furans, and the maximum observed effluent concentration of dioxin–TEQ is 5.78×10^{-8} µg/L, which exceeds the translated water quality objective of 1.4×10^{-8} µg/L, dioxin-TEQ in the discharge has a reasonable potential to contribute to exceedances of the narrative bioaccumulation objective.

(c) *WQBELs*. Concentration-based WQBELs for dioxin–TEQ, using SIP procedures and guidance, are 2.8×10^{-8} and 1.4×10^{-8} µg/L as the maximum daily effluent limit (MDEL) and the average monthly effluent limit (AMEL), respectively. Because dioxin-TEQ is a bioaccumulative pollutant, these limitations are calculated without credit for dilution.

(d) *Immediate Compliance Infeasible*. Because effluent concentrations of dioxin-TEQ have been measured at levels greater than newly calculated limitations (calculated based on Section 1.4 of the SIP), the Regional Water Board concurs with the Discharger's assertion of infeasibility. As Order No. 00-060 did not include an effluent limitation for dioxin – TEQ, and there is insufficient data to statistically determine a performance based interim limitation, the Order establishes a 10-year schedule for compliance with final limitations from the effective day of this Order.

9. Total Ammonia

(a) *Ammonia WQC*. The Basin Plan contains WQOs for un-ionized ammonia of 0.025 mg/L as an annual median, and 0.16 mg/L as a maximum north of the Golden Gate Channel. The WQOs are translated from un-ionized ammonia objectives to equivalent total ammonia concentrations since sampling and lab methods are not available to analyze for un-ionized ammonia and because the fraction of total ammonia that is converted to the toxic un-ionized form is dependent on pH, salinity, and temperature of the receiving water.

To translate the Basin Plan's un-ionized ammonia objectives, pH, salinity, and temperature data from March 1993 to August 2001 from the RMP station at Richardson Bay were used. The following equation was used to determine the fraction of total ammonia in a discharge that will be converted to the toxic un-ionized phase in receiving waters (U.S. EPA. 1989. *Ambient Water Quality Criteria for Ammonia (Saltwater) -1989*. EPA Publication Number 440/5-88-004).

$$fraction\ of\ NH_3 = \frac{1}{1+10^{(pk-pH)}}$$

where

$$pK = 9.245 + 0.116 * I + 0.0324 * (298 - T) + \frac{0.0415 * (P)}{T + 273}$$

$$\text{I} = \text{molal ionic strength of saltwater} = \frac{19.9273 * S}{1000 - 1.005109 * S}$$

S =salinity (parts per thousand)
T =temperature in °C
P =Pressure (one atmosphere)

To convert the Basin Plan's chronic un-ionized ammonia WQO to an equivalent total ammonia concentration, the median un-ionized ammonia fraction at the Richardson Bay monitoring station was used. To convert the Basin Plan's acute un-ionized ammonia WQO to an equivalent total ammonia concentration, the 90th percentile un-ionized ammonia fraction at Richardson Bay was used. Using the median and 90th percentile to translate chronic and acute ammonia WQOs is consistent with U.S. EPA guidance on translating dissolved metal WQOs to total recoverable metal WQOs[2]. The equivalent total ammonia acute and chronic concentrations are 4.65 mg/L and 1.19 mg/L, respectively.

(b) *RPA Results*. The SIP methodology was used to perform RPA and to calculate effluent limitations because it is consistent with the methodology used to calculate WQBELs for other toxic pollutants. This Order establishes effluent limitations for total ammonia, as the maximum observed effluent concentration of 38.8 mg/L exceeds the applicable water quality criteria for this pollutant, demonstrating reasonable potential by Trigger 1, as defined previously.

(c) *WQBELs*. To calculate total ammonia limits some statistical adjustments were made because the Basin Plan's chronic objective is based on an annual median instead of a 4-day average. For chronic criterion, the SIP assumes an averaging period of 4 days and a monthly sampling frequency of 4 days per month to calculate effluent limits. To use the SIP methodology to calculate effluent limits for a Basin Plan objective that is based on an annual median, an averaging period of 365 days and a monitoring frequency of 30 days per month (the maximum daily sampling frequency in a month since the averaging period for the chronic criterion is longer than 30 days) were used. These statistical adjustments are supported by U.S. EPA's *Water Quality Criteria; Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia;* published on December 22, 1999 in the Federal Register.

Following the SIP methodology as guidance, the maximum background total ammonia concentration was used to calculate effluent limits based on the acute criterion. For the chronic criterion, the median background total

[2] The Metals Translator: Guidance for Calculating a Total Recoverable Limit for a Dissolved Criterion 1996. EPA Publication No. 823-B-96-007

ammonia concentration was used because the Basin Plan's chronic un-ionized ammonia objective is an annual median. Since the time-scale of this objective is over such a long period, it is more representative to use the central tendency of ambient conditions than a daily maximum.

The newly calculated limitations take into account the deep water nature of the discharge and the non-persistent nature of ammonia, and therefore, are based on an initial dilution of 84:1 (model results for maximum effluent flow rate conditions, 6.0 MGD) for acute criteria and 237:1 (model results for average annual conditions, 1.68 MGD) for chronic criteria. Concentration-based WQBELs for total ammonia are 380 μg/L as a maximum daily effluent limit (MDEL) and 180 μg/L as an average monthly effluent limit (AMEL), respectively.

5. **Whole Effluent Acute Toxicity**

a. *Permit Requirements.* This Order includes effluent limits for whole-effluent acute toxicity that are unchanged from the previous Order. All bioassays shall be performed according to the USEPA approved method in 40 CFR 136, currently "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th Edition." The Discharger is required to use the 5th Edition method for compliance determination upon the effective date of this Order.

b. *Compliance History.* The Discharger's acute toxicity monitoring data show that during 2002-2006, with fish survival rates ranged between 70-100%.

c. *Ammonia Toxicity.* If acute toxicity is observed in the future and the Discharger believes that it is due to ammonia toxicity, this has to be shown through a Toxicity Identification Evaluation (TIE) acceptable to the Executive Officer. If the Discharger demonstrates to the satisfaction of the Executive Officer that exceedance of the acute toxicity limits is caused by ammonia and that the discharge is in compliance with the effluent limit for ammonia, then such toxicity does not constitute a violation of this effluent limit. This is based on the Basin Plan, at page 3-4 under "Un-Ionized Ammonia". If ammonia toxicity is verified in the TIE, the Discharger may utilize an adjustment protocol approved by the Executive Officer for the routine bioassay testing.

6. **Whole Effluent Chronic Toxicity**

a. *Permit Requirements.* This permit includes requirements for chronic toxicity monitoring based on the Basin Plan narrative toxicity objective, and in accordance with USEPA and State Water Board Task Force guidance, and BPJ. This permit includes the Basin Plan narrative toxicity objective as the applicable effluent limit, implemented via monitoring with numeric values as "triggers" to initiate accelerated monitoring and to initiate a chronic toxicity reduction evaluation (TRE) as necessary. The permit requirements for chronic toxicity are also consistent with the CTR and

SIP requirements.

b. *Chronic Toxicity Triggers.* This Order includes chronic toxicity triggers, which are three sample median of 10 chronic toxicity (TUc[3]) and a single sample maximum of 20 TUc.

c. *Monitoring History.* The Discharger's chronic toxicity monitoring data from 2002 through 2005, TUc values ranged from <2.5 to 5.8.

d. *Screening Phase Study.* The Discharger has prepared a chronic toxicity screening phase study plan and the results of this study have been incorporated herein.

7. **Mercury and Selenium Mass Emission Limitations**

This Order includes mass-based effluent limitations of 0.042 kg/month for mercury and 5.76 kg/month for selenium. These mass-based effluent limitations are intended to maintain the discharge at current loadings. The mass limit will maintain current loadings until a TMDL is established for San Francisco Bay. The final mercury effluent limitations will be based on the Discharger's WLA in the TMDL.

The inclusion of performance-based mass limits for bioaccumulative pollutants is consistent with the guidance described in section 2.1.1 of the SIP. Because of their bioaccumulative nature, an uncontrolled increase in the total mass load of these pollutants in the receiving water will have significant adverse impacts on the aquatic ecosystem.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Receiving Water Limitations V.A. (Surface Water Limitations)

These limitations are in the existing permit and are based on water quality objectives for physical, chemical, and biological characteristics of receiving waters from Chapter 3 of the Basin Plan.

B. Receiving Water Limitation V.B. (Ground Water Limitations)

N/A

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS (PROVISION B)

40 CFR 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

[3] A TUc equals 100 divided by the no observable effect level (NOEL). The NOEL is determined from IC, EC, or NOEC values. Monitoring and TRE requirements may be modified by the Executive Officer in response to the degree of toxicity detected in the effluent or in ambient waters related to the discharge. Failure to conduct the required toxicity tests or a TRE within a designated period shall result in the establishment of effluent limits for chronic toxicity.

to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring

Influent monitoring requirements have been retained from Order No. 00-060. The Order requires continuous influent flow monitoring, and TSS and $CBOD_5$ monitoring twice per week to determine compliance with removal requirements of the Order.

B. Effluent Monitoring

The following bulleted text summarizes effluent monitoring requirements in the Monitoring and Reporting Program, which accompanies this Order, including changes from the previous Program.

- Monitoring requirements at M-001 are unchanged for flow, pH, dissolved oxygen, ammonia, TSS, BOD_5 or $CBOD_5$, and chronic toxicity. Monitoring is no longer required for settleable solids because this parameter is no longer limited by the Order.
- Bacteria monitoring at M-001 has been changed from Enterococci to total coliform.
- Routine monitoring for toxic pollutants is limited to those pollutants which have numeric limitations established by the Order. Less frequent monitoring for all CTR pollutants is required in accordance with the August 6, 2001 letter from the Regional Water Board to all dischargers.

C. Whole Effluent Toxicity Testing Requirements

The Basin Plan requires dischargers to conduct flow-through effluent toxicity tests (Chapter 4, Acute Toxicity) to measure the toxicity of wastewaters and to assess negative impacts upon water quality and beneficial uses caused by the aggregate toxic effect of the discharge of pollutants. This Order includes effluent limitations for whole effluent acute toxicity and monitoring requirements for whole effluent chronic toxicity. All tests shall be performed according to the U.S. EPA-approved method in 40 CFR Part 136, currently "Methods for Measuring the Acute Toxicity of Effluents and Receiving Water, 5th Edition."

This Order requires that the Discharger continue its effluent toxicity monitoring efforts as part of the compliance requirements. This requirement is based on the Basin Plan and BPJ.

D. Receiving Water Monitoring

Regional Monitoring Program

On April 15, 1992, the Regional Water Board adopted Resolution No. 92-043 directing the Executive Officer to implement the Regional Monitoring Program (RMP) for the San Francisco Bay. Subsequent to a public hearing and various meetings, Regional Water Board staff requested major permit holders in this region, under authority of section 13267 of

California Water Code, to report on the water quality of the estuary. These permit holders responded to this request by participating in a collaborative effort, through the San Francisco Estuary Institute. This effort has come to be known as the San Francisco Bay Regional Monitoring Program for Trace Substances. This Order specifies that the Discharger shall continue to participate in the RMP, which involves collection of data on pollutants and toxicity in water, sediment and biota of the estuary. Certain receiving water limited parameters are not monitored by the RMP or are not monitored close enough to the Discharger's outfall to assure compliance with receiving water limits. This annual assessment is not burdensome and will assure compliance with limits.

E. Other Monitoring Requirements

This Order requires standard observations to be made for all bypasses and overflows from manholes, pump stations, collection systems, and sludge drying bed areas.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions (Provision VI.A)

Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachments D and H of this Order.

B. Monitoring and Reporting Requirements (Provision VI.B)

The Discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are contained in the MRP (Attachment E), Standard Provisions and SMP, Part A (Attachment G) of the Permit. This provision requires compliance with these documents, and is based on 40 CFR 122.63. The Standard Provisions and SMP, Part A are standard requirements in almost all NPDES permits issued by the Regional Water Board, including this Order. They contain definitions of terms, specify general sampling and analytical protocols, and set out requirements for reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and Regional Water Board's policies. The MRP contains a sampling program specific for the facility. It defines the sampling stations and frequency, the pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all parameters for which effluent limitations are specified. Monitoring for additional constituents, for which no effluent limitations are established, is also required to provide data to conduct reasonable potential analyses in the future.

C. Special Provisions (Provision C)

1. Reopener Provisions

These provisions are based on 40 CFR Part 123 and allow future modification of this Order and its effluent limitations as necessary in response to updated WQOs that may be

established in the future.

2. Special Studies and Additional Monitoring Requirements

a. Effluent Characterization Study

This Order does not include effluent limitations for the selected constituents addressed in the August 6, 2001 Letter that do not demonstrate Reasonable Potential, but this provision requires the Discharger to continue monitoring for these pollutants as described in the August 6, 2001 Letter and as specified in the MRP of this Order. If concentrations of these constituents increase significantly, the Discharger will be required to investigate the source of the increases and establish remedial measures, if the increases result in reasonable potential to cause or contribute to an excursion above the applicable WQO/WQC. This provision is based on the Basin Plan and the SIP. b. Ambient Background Receiving Water Study.

This provision is based on the Basin Plan, the SIP, and the August 6, 2001 Letter for priority pollutant monitoring. As indicated in the permit, this requirement may be met by participating in the collaborative BACWA study.

c. Optional Mass Offset

This option is provided to encourage the Discharger to further implement aggressive reduction of mass loads to the Central San Francisco Bay.

3. Best Management Practices and Pollution Prevention

This provision is based on Chapter 4 of the Basin Plan and Section 2.4.5 of the SIP.

Additionally, on October 15, 2003, the Regional Water Board adopted Resolution R2-2003-0096 in support of a collaborative working approach between the Regional Water Board and the Bay Area Clean Water Agencies to promote Pollution Minimization Program development and excellence. Specifically, the Resolution embodies a set of eleven guiding principles that will be used to develop tools such as "P2 menus" for specific pollutants, as well as provide guidance in improving P2 program efficiency and accountability. Key principles in the Resolution include promoting watershed, cross-program and cross-media approaches to pollution prevention, and jointly developing tools to assess program performance that may include peer reviews, self-audits or other formats.

4. Construction, Operation, and Maintenance Specifications

a. Wastewater Facilities, Review and Evaluation, Status Reports

This provision is based on the previous permit and the Basin Plan.

b. Operations and Maintenance Manual, Review and Status Reports

This provision is based on the Basin Plan, the requirements of 40 CFR Part 122, and the previous permit.

c. Contingency Plan, Review and Status Reports

This provision is based on the Basin Plan, the requirements of 40 CFR Part 122, and the previous permit.

5. Special Provisions for POTWs

a. Sludge Management Practices Requirements. This provision is based on the Basin Plan (Chapter 4) and 40 CFR Parts 257 and 503.

b. No Feasible Alternatives and Implementation Schedule. This provision is based on 40 CFR 122.41(m). It requires that the Discharger reevaluate prior to the next permit reissuance that it has explored every feasible alternative to eliminate blending.

c. Sanitary Sewer Overflows and Sewer System Management Plan. This provision is to explain the Order's requirements as they relate to the Discharger's collection system, and to promote consistency with the State Water Resources Control Board adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Overflow (SSO WDRs) and a related Monitoring and Reporting Program (Order No. 2006-0003-DWQ). The bases for these requirements are described elsewhere in this Fact Sheet for those requirements.

6. Corrective Measures to Minimize Blending

This provision is based on 40 CFR 122.41(m). The Discharger currently blends about 7 days/year. Most blending events are of relatively short duration (about 4 hours). The Dischargers infeasibility analysis indicates that elimination or reduction of blending is currently infeasible in the short-term. This provision is necessary to ensure the Discharger implements corrective measures to minimize or eliminate blending consistent with 40 CFR 122.41(m).

7. Compliance Schedules for chlordane and dioxin-TEQ

The compliance schedules and the requirement to submit reports on further measures to reduce concentrations of chlordane and dioxin-TEQ to ensure compliance with final limits are based on the Basin Plan (page 4-14), and 40 CFR 122.47(a)(3). Maximum allowable compliance schedules are granted to the Discharger for these pollutants because of the considerable uncertainty in determining an effective measure (e.g., pollution prevention, treatment upgrades) that should be implemented to ensure compliance with final limits. In our view, it is appropriate to allow the Discharger sufficient time to first explore source control measures before requiring it to propose further actions, such as treatment plant upgrades, that are likely to be much more costly.

This approach is supported by the Basin Plan (page 4-25) which states: "In general, it is often more economical to reduce overall pollutant loadings into the treatment systems than to install complex and expensive technology at the plant."

Finally, because of the ubiquitous nature of the sources of dioxin-TEQ, this provision allows the Discharger to address compliance with calculated WQBELs through other strategies such as mass offsets.

i. Chlordane. For chlordane, the previous permit did not grant an interim limit. As it is not possible for the Discharger to document compliance because U.S. EPA approved analytical methods cannot quantify chlordane at low enough levels, it is not possible to determine compliance with final limits. Because SIP §2.1 provides for a maximum five-year compliance schedule, and the Discharger has not been previously granted such a schedule under §2.1, the Discharger qualifies for such a §2.1 schedule up to the maximum statutory day (May 17, 2010), which is ten years from the effective date of the CTR/SIP. The basis for this compliance schedule is the CTR/SIP.

ii. Dioxin-TEQ. For TCDD equivalents, the previous permit did not include an effluent limit. Therefore, this Order grants the Discharger until October 1, 2017 (10 years from the effective date of this Order) to comply with final limits.

8. Action Plan for Cyanide

The proposed cyanide site-specific objectives, if approved, will require action plans for source control. Implementation of a similar action plan for cyanide at this time would ensure that any increase in cyanide limits would be consistent limits expected with the site-specific objectives. Therefore, the antidegradation analysis prepared for the site-specific objectives could also apply to these limits, which would therefore comply with antidegradation policies (i.e., increasing the limits would not degrade the quality of the receiving water).

This provision also requires the Discharger to investigate the quality of cyanide data (i.e., sample collection and quality assurance and quality control). This is because cyanide data from the past five years shows much greater variability than would be expected for a Publicly Owned Treatment Works that does not have industrial sources.

9. Action Plan for Copper

Since the proposed SSO for copper has associated action plans for source control, this provision requires an action plan to implement source control requirements once the alternate limits become effective.

VIII. PUBLIC PARTICIPATION

The San Francisco Bay Regional Water Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System

(NPDES) permit for the Sausalito-Marin City Sanitation Agency. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties.

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following: (a) paper and electronic copies of this Order were relayed to the Discharger, and (b) the Marin Independent Journal published a notice that this item would appear before the Regional Water Board on August 8, 2007.

B. Written Comments.

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

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices **by 5:00 p.m. on July 11, 2007**.

C. Public Hearing

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

Date:	August 8, 2007
Time:	9:00 am
Location:	Elihu Harris State Office Building 1515 Clay Street, 1st Floor Auditorium Oakland, CA 94612
Contact:	Vincent Christian, (510) 622-2336, vchristian@waterboards.ca.gov

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 www.waterboards.ca.gov/sanfranciscobay/ 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 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. except from noon to 1:00 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (510) 622-2300.

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 Vincent Christian, 510-622-2336, vchristian@waterboards.ca.gov.

ATTACHMENT G – REGIONAL WATER BOARD ATTACHMENTS

The following documents are part of this Order but are not physically attached due to volume. They are available on the Internet at: http://www.waterboards.ca.gov/sanfranciscobay/Download.htm.

- Self-Monitoring Program, Part A (August 1993)
- Standard Provisions and Reporting Requirements, August 1993
- Regional Water Board Resolution No. 74-10
- August 6, 2001 Regional Water Board staff letter, "Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy"

EXHIBIT B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

REVISED TENTATIVE CEASE AND DESIST ORDER NO. R2-2007-XXXX

REQUIRING THE SAUSALITO-MARIN CITY SANITARY DISTRICT TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER TO WATERS OF THE STATE

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter "Regional Water Board"), finds that:

1. The Sausalito-Marin City Sanitary District (hereinafter "Discharger") owns and operates a wastewater treatment plant, located at #1 Fort Baker Road, Sausalito, Marin County. The plant treats domestic wastewater for the City of Sausalito, Marin City, Tamalpais Community Service District, and Golden Gate Recreation Area. It has a dry weather design capacity of 1.8 million gallons per day.

2. The wastewater discharge has been regulated by waste discharge requirements in Order No. 00-060 (NPDES Permit No. CA0038067).

3. Concurrent with the adoption of this Cease and Desist Order, the Regional Water Board adopted Order No. R2-2007-XXXX (hereinafter "Permit"), reissuing waste discharge requirements for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. The limitations include those listed in Table 1 below, among others.

Table 1: Permit Effluent Limits

Parameter	Final Effluent Limits in Permit		Monitoring Station
	Average Monthly Effluent Limit (µg/L)	Maximum Daily Effluent Limit (µg/L)	
Mercury	0.023	0.034	M-001
Selenium	3.7	9.0	M-001
Chlordane	0.00059	0.0012	M-001

4. The Discharger submitted an infeasibility study demonstrating that it cannot comply with the effluent limits listed in Table 1. As stated in the Permit findings, the Regional Water Board concurs with the Discharger because the effluent limits are more stringent that the maximum effluent concentrations measured in the effluent. The Permit grants compliance schedules for chlordane but not the other pollutants; therefore, the Discharger will discharge waste in violation of the Permit.

5. Although the Permit contains final effluent limits for chlordane, the Permit also provides a compliance schedule to meet these final effluent limits. The compliance

schedule lasts until May 18, 2010, which is the last day of *Policy for Implementation of Toxics Standards of Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy) authorizes compliance schedules for California Toxic Rule pollutants. As stated in the Permit findings, the actions this compliance schedule requires are, by themselves, unlikely to result in compliance by May 18, 2010, because this length of time is insufficient to complete all necessary actions. Therefore, when the compliance schedule for chlordane ends, the Discharger threatens to violate the effluent limitations for this pollutant.

6. Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.

7. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations. The Permit requires certain actions as conditions of its chlordane compliance schedule. This Order continues those efforts once the compliance schedule ends so the Discharger will eventually comply with its final effluent limitations.

8. The time schedules in this Order are parameter-specific and intended to be as short as possible. They account for the considerable uncertainty in determining effective measures (e.g., pollution prevention and treatment plant upgrades) necessary to achieve compliance. This Order allows some time to first explore source control measures before requiring further actions, such as treatment plant upgrades, which are likely to be much more costly. The time schedules are based on reasonably expected times needed to implement source identification and upstream source control, evaluate success, identify on-site treatment alternatives if necessary, test and select from among alternatives, and construct plant upgrades. The Regional Water Board may wish to revisit these assumptions as more information becomes available.

9. As part of the time schedules to achieve compliance, this Order requires the Discharger to comply with interim effluent limits, where feasible. These limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedules. The interim limits are based on past performance of limits in previous orders, whichever are more stringent. If based on past performance, the interim limits represent the 99.87th percentile of actual measured discharge concentrations (three standard deviations from the mean). If insufficient monitoring data exist to derive a reliable performance-based limit, and if no previous order contained a limit, then this Order does not establish an interim limit.

10. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.

11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code § 13301, that the Discharger shall cease and desist from discharging and threatening to discharge wastes in violation of its Permit by complying with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the required actions in Table 2 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.

2. Exceptions. The following exceptions apply to the parameter-specific time schedules and prescribed actions in Table 2.

   a. *Mercury*. The mercury-related time schedules and prescribed actions shall cease to be in effect upon the effective date of a permit[1] that supersedes the mercury limits in the Permit.

   b. *Chlordane.* The prescribed actions in Table 2, actions "b," "c," "d," and "e" shall not apply to chlordane because the Permit already requires these actions. Actions "a," "f," "g," and "h" shall apply to chlordane beginning May 18, 2010.

3. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from meeting one or more of the time schedules in Table 3 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose time schedules for resolving the delay.

4. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.

[1] In March 2007, Regional Water Board staff publicly noticed a draft permit that could supersede existing mercury requirements and implement the wasteload allocations for municipal and industrial wastewater discharges identified in the San Francisco Bay Mercury TMDL that the Regional Water Board adopted in August 2006.

5. Effective Date. This Order shall be effective on the effective date of the Permit.

Table 2: Time Schedule and Prescribed Actions

Action	Deadline			
	Mercury		Selenium	Chlordane
a. Comply with the following interim effluent limits at Monitoring Station M-001: *Mercury*: Average monthly effluent limit = 0.087 µg/L *Selenium*: Maximum daily effluent limit = 50 µg/L *Chlordane*: Maximum daily effluent limit = 0.1 µg/L	Upon the effective date of this Order			Beginning May 18, 2010
b. Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for selenium are accurately determined and reported. Submit a report by the deadline describing the results of the investigation and any changes in quality assurance and quality control practices implemented.	Not Applicable		March 1, 2008	Not Applicable
c. Submit a plan for identifying all mercury, and selenium sources to the discharge. Examples of potential mercury sources include dental offices, laboratories, medical facilities, fluorescent light tubes, thermometers, and electrical switches.	June 1, 2008		June 1, 2008	Not Applicable
d. Implement the plan developed in action "c" within 30 days of the deadline for action "c," and submit by the deadline for this action a report that contains an inventory of the pollutant sources.	October 1, 2008		October 1, 2008	

Action	Deadline			
	Mercury		Selenium	Chlordane
e. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements: i. Maintain a list of sources of pollutants of concern. ii. Investigate each source to assess the need to include it in the program. iii. Identify and implement targeted actions to reduce or eliminate iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.	December 1, 2008		December 1, 2008	Not Applicable
f. Continue to implement the program described in action "e" and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.	Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3			

Action	Deadline			
	Mercury		Selenium	Chlordane
g. If by February 28, 2011, discharge data continue to show the discharge is out of compliance (as defined in 2.4.5 of the State Implementation Policy) with the Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance. These actions shall include, but not be limited to, reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities: i. Bench scale testing or pilot scale testing or both ii. Development of preliminary design specifications iii. Development of final design specifications iv. Procurement of funding v. Acquisition of necessary permits and approvals vi. Construction	June 1, 2011		June 1, 2011	June 1, 2011
h. Implement the plan required in action "g" within 45 days of the deadline for action "g," and submit annual status reports.	Annually each February 1 in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring and Reporting Program			
i. Submit documentation confirming complete plan implementation and comply with effluent limits in the Permit.	June 1, 2015		June 1, 2015	June 1, 2015

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____, 2007.

_____
BRUCE H. WOLFE
Executive Officer

EXHIBIT C

meyers | nave riback silver & wilson
professional law corporation

Kenton L. Alm
Attorney at Law
510.808.2000

September 7, 2007

Bruce H. Wolfe, Executive Officer
California Water Quality Control Board
San Francisco Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Request for Preparation of the Administrative Record Concerning Adoption of Order Nos. R2-2007-0054 and R2-2007-0055 (NPDES Permit and Cease and Desist Order for Sausalito-Marin City Sanitary District)

Dear Mr. Wolfe:

On August 8, 2007, the San Francisco Bay Regional Board adopted Order Nos. R2-2007-0054 and R2-2007-0055 and the Waste Discharge Requirements for the Sausalito-Marin City Sanitary District ("District"). On September 7, 2007 the District has filed a Petition for Review and Preliminary Points and Authorities in Support of the Petition with regard to the noted NPDES Permit and Order and Cease and Desist Order.

With this letter, the District is respectfully requesting that the Regional Board prepare and deliver to the undersigned the Administrative Record and proceedings related to the above-listed Permit. The District would request that the records of the proceedings for the Permit include, at a minimum:

(1) a copy of the tape recordings, transcripts and/or notes regularly made during each and every public meeting at which the Permits, or proposed related actions, were or should have been considered, discussed, acted upon, approved or included on the public agenda;

(2) the agendas and minutes of any public meeting or hearing at which the Permits, or proposed related actions, were or should have been considered, discussed, acted upon, or approved;

(3) a copy of all draft and tentative versions of the Permits;

(4) a copy of the Permits as adopted;

(5) any and all documents or other evidence, regardless of authorship, relied upon, relating to, or used to formulate the requirements contained in any draft, tentative, or adopted version of the Permits;

(6) any and all documents received by the Regional Board from the Permittees or their employees, agencies, consultants, or attorneys pertaining to the draft, tentative, or adopted versions of the Permits;

(7) any and all documents received by the Regional Board from any individual, company, partnership, corporation, agency, trade organization, and/or government entity (other than the Permittees), pertaining to the draft, tentative or adopted versions of the Permits;

(8) any document or material incorporated by reference by the Permittees, an individual, company, partnership, corporation, agency, trade organization, and/or government entity in any document submitted to the Regional Board pertaining to the draft, tentative or adopted version of the Permits;

(9) any record of any type of communication among members or staff of the Regional Board, or between or among the Regional Board or its staff and other persons or agencies pertaining to the draft, tentative or adopted versions of the Permits.

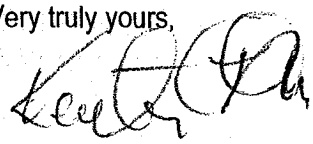
The District further requests that the Regional Board certify and deliver the requested records of the proceedings to the undersigned.

It should be noted that the Petition filed on behalf of the District does request that the matter initially be held in abeyance.

Therefore the preparation of the Administrative Record may not need to be begin immediately, provided the State Board honors that request.

Thank you for your cooperation in this matter.

Very truly yours,



Kenton L. Alm
District Counsel
Central Contra Costa Sanitary District

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