

designed to maintain current performance.

Additionally, the Order establishes alternate limits of 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.

3. Stringency of Requirements of Individual Pollutants

Water quality-based effluent limitations 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 water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. All 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). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

E. Interim Limitations

As authorized in the SIP, this Order grants interim limitations for 4,4-DDD and heptachlor because the Dischargers cannot immediately comply with final effluent limitations as demonstrated by the Dischargers' infeasibility analysis. This is described in more detail in sections IV.C.4.7 and IV.C.4.8 of this Fact Sheet.

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 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

The Order requires continuous influent flow monitoring reported daily, and TSS and BOD₅ monitoring 3/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 for flow rate, pH, temperature, BOD₅, TSS, oil and grease, chlorine residual, acute toxicity, chronic toxicity, copper, cyanide, mercury, selenium, zinc, 2,3,7,8-TCDD and congeners, standard observations, and priority pollutants are unchanged from the previous permit.
- Dissolved oxygen is a new parameter not required by the previous permit. Dissolved oxygen is an important parameter for determining the efficacy of the treatment plant. It will be monitored 3/week.
- Monitoring frequency for total coliform was increased from 3/week to 5/week because there were multiple violations of this parameter during the permit term.
- Monitoring is no longer required for settleable solids because this parameter is no longer limited by the Order.
- Monitoring is no longer required for dieldrin, silver, chromium IV, cadmium, and arsenic because reasonable potential was not triggered for these pollutants during this permit term. However, monitoring is now required for bis(2-ethylhexyl)phthalate (1/month), 4,4-DDD (2/year), and heptachlor (2/year) because reasonable potential was triggered for these pollutants.
- 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 Dischargers continue their 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 Dischargers 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 Dischargers' 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 apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The Dischargers must comply with all

standard provisions and with those additional conditions that are applicable under section 122.42.

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

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

The Dischargers are 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 Dischargers 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 Dischargers 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.

This provision is based on the Basin Plan, the SIP, and the August 6, 2001 Letter for priority pollutant monitoring.

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 this Order, this requirement may be met by participating in the collaborative BACWA study.

c. Optional Mass Offset

This option is provided to encourage the Dischargers 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 BACWA 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. Pretreatment Program. This provision is based on 40 CFR part 403 (General

Pretreatment Regulations for Existing and New Sources of Pollution).

- b. Sludge Management Practices Requirements. This provision is based on the Basin Plan (Chapter 4) and 40 CFR Parts 257 and 503.
- c. No Feasible Alternatives and Implementation Schedule. This provision is based on 40 CFR 122.41(m). It requires that the City of Richmond and RMSD reevaluate prior to the next permit reissuance that it has explored every feasible alternative to eliminate blending.
- d. Sanitary Sewer Overflows and Sewer System Management Plan. This provision is to explain the Order's requirements as they relate to the Dischargers' collection systems, and to promote consistency with the State Water 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 Richmond plant currently blends about 12 days/year. The City of Richmond and RMSD submitted an infeasibility analysis that indicates that elimination or reduction of blending is currently infeasible in the short-term. This provision is necessary to ensure the implementation of corrective measures at the Richmond plant to minimize or eliminate blending consistent with 40 CFR 122.41(m).

7. Compliance Schedules for 4,4-DDD, heptachlor and dioxin-TEQ

The compliance schedules and the requirement to submit reports on further measures to reduce concentrations of 4,4-DDD, heptachlor 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). As previously described, the Dischargers submitted Infeasibility Reports, and the Regional Water Board staff confirmed their assertions. Based on this, a compliance schedule is appropriate for 4,4-DDD, heptachlor, and dioxin-TEQ because the Dischargers have made good faith and reasonable efforts towards characterizing the sources so time to allow additional efforts is necessary to achieve compliance. Maximum allowable compliance schedules are granted to the Dischargers 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 Dischargers sufficient time to first explore source control measures before requiring them 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 Dischargers to address compliance with calculated WQBELs through other strategies such as mass offsets.

i. 4,4-DDD. For 4,4-DDD, the previous permit did not grant an interim limit. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify 4,4-DDD 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 Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify 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. Heptachlor. For heptachlor, the previous permit did not grant an interim limit. As it is not possible for the Dischargers to document compliance because U.S. EPA approved analytical methods cannot quantify heptachlor 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 Dischargers have not been previously granted such a schedule under §2.1, the Dischargers qualify 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.

iii. Dioxin-TEQ. For Dioxin-TEQ, the previous permit included a compliance schedule until November 30, 2011. Therefore, this Order carries over the compliance schedule from the previous permit.

8. Action Plan for Cyanide

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

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 West County 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 Dischargers 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 Dischargers, and (b) the Contra Costa Times published a notice in November 2007 that this item would appear before the Regional Water Board.

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 December 26, 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: January 30, 2008
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:

West County Agency
ORDER NO. R2-2008-0003
NPDES NO. CA0038539

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”

ATTACHMENT H - PRETREATMENT REQUIREMENTS

Pretreatment Program Provisions

1. The Dischargers shall implement all pretreatment requirements contained in 40 CFR §403, as amended. The Dischargers shall be subject to enforcement actions, penalties, and fines as provided in the Clean Water Act (33 USC 1351 et seq.), as amended. The Dischargers shall implement and enforce their Approved Pretreatment Programs or modified Pretreatment Programs as directed by the Regional Water Board's Executive Officer or the EPA. The EPA and/or the State may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Clean Water Act.
2. The Dischargers shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(b) of the Clean Water Act. The Dischargers shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.
3. The Dischargers shall perform the pretreatment functions as required in 40 CFR §403 and amendments or modifications thereto including, but not limited to:
 - i) Implement the necessary legal authorities to fully implement the pretreatment regulations as provided in 40 CFR §403.8(f)(1);
 - ii) Implement the programmatic functions as provided in 40 CFR §403.8(f)(2);
 - iii) Publish an annual list of industrial users in significant noncompliance as provided per 40 CFR §403.8(f)(2)(vii);
 - iv) Provide for the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR §403.8(f)(3); and
 - v) Enforce the national pretreatment standards for prohibited discharges and categorical standards as provided in 40 CFR §§403.5 and 403.6, respectively.
4. The Dischargers shall submit annually a report to the EPA Region 9, the State Water Board and the Regional Water Board describing its pretreatment program activities over the previous twelve months. In the event that the Dischargers are not in compliance with any conditions or requirements of the Pretreatment Program, the Dischargers shall also include the reasons for noncompliance and a plan and schedule for achieving compliance. The report shall contain, but is not limited to, the information specified in Appendix A entitled, "Requirements for Pretreatment Annual Reports," which is made a part of this Order. The annual report is due on the last day of February each year.
5. The Dischargers shall submit semiannual pretreatment reports to the EPA Region 9, the State

Water Board and the Regional Water Board describing the status of its significant industrial users (SIUs). The report shall contain, but is not limited to, the information specified in Appendix B entitled, "Requirements for Semiannual Pretreatment Reports," which is made part of this Order. The semiannual reports are due July 31st (for the period January through June) and January 31st (for the period July through December) of each year. The Executive Officer may exempt a Discharger from the semiannual reporting requirements on a case by case basis subject to State Water Board and EPA's comment and approval.

6. The Dischargers may combine the annual pretreatment report with the semiannual pretreatment report (for the July through December reporting period). The combined report shall contain all of the information requested in Appendices A and B and will be due on January 31st of each year.
7. The Dischargers shall conduct the monitoring of its treatment plant's influent, effluent, and sludge as described in Appendix C entitled, "Requirements for Influent, Effluent and Sludge Monitoring," which is made part of this Order. The results of the sampling and analysis, along with a discussion of any trends, shall be submitted in the semiannual reports. A tabulation of the data shall be included in the annual pretreatment report. The Executive Officer may require more or less frequent monitoring on a case by case basis.

APPENDIX A

REQUIREMENTS FOR PRETREATMENT ANNUAL REPORTS

The Pretreatment Annual Report is due each year on the last day of February. [If the annual report is combined with the semiannual report (for the July through December period) the submittal deadline is January 31st of each year.] The purpose of the Annual Report is 1) to describe the status of the Publicly Owned Treatment Works (POTW) pretreatment program and 2) to report on the effectiveness of the program, as determined by comparing the results of the preceding year's program implementation. The report shall contain at a minimum, but is not limited to, the following information:

1) **Cover Sheet**

The cover sheet must contain the name(s) and National Pollutant Discharge Elimination Discharge System (NPDES) permit number(s) of those POTWs that are part of the Pretreatment Program. Additionally, the cover sheet must include the name, address and telephone number of a pretreatment contact person; the period covered in the report; a statement of truthfulness; and the dated signature of a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for overall operation of the POTW (40 CFR §403.12(j)).

2) **Introduction**

The Introduction shall include any pertinent background information related to the Dischargers, the POTWs and/or the industrial user base of the area. Also, this section shall include an update on the status of any Pretreatment Compliance Inspection (PCI) tasks, Pretreatment Performance Evaluation tasks, Pretreatment Compliance Audit (PCA) tasks, Cleanup and Abatement Order (CAO) tasks, or other pretreatment-related enforcement actions required by the Regional Water Board or the EPA. A more specific discussion shall be included in the section entitled, "Program Changes."

3) **Definitions**

This section shall contain a list of key terms and their definitions that the Dischargers use to describe or characterize elements of its pretreatment program.

4) **Discussion of Upset, Interference and Pass Through**

This section shall include a discussion of Upset, Interference or Pass Through incidents, if any, at the POTW(s) that the Dischargers know of or suspect were caused by industrial discharges. Each incident shall be described, at a minimum, consisting of the following

information:

- a) a description of what occurred;
- b) a description of what was done to identify the source;
- c) the name and address of the industrial user (IU) responsible
- d) the reason(s) why the incident occurred;
- e) a description of the corrective actions taken; and
- f) an examination of the local and federal discharge limits and requirements for the purposes of determining whether any additional limits or changes to existing requirements may be necessary to prevent other Upset, Interference or Pass Through incidents.

5) Influent, Effluent and Sludge Monitoring Results

This section shall provide a summary of the analytical results from the "Influent, Effluent and Sludge Monitoring" as specified in Appendix C. The results should be reported in a summary matrix that lists monthly influent and effluent metal results for the reporting year.

A graphical representation of the influent and effluent metal monitoring data for the past five years shall also be provided with a discussion of any trends.

6) Inspection and Sampling Program

This section shall contain at a minimum, but is not limited to, the following information:

- a) Inspections: the number of inspections performed for each type of IU; the criteria for determining the frequency of inspections; the inspection format procedures;
- b) Sampling Events: the number of sampling events performed for each type of IU; the criteria for determining the frequency of sampling; the chain of custody procedures.

7) Enforcement Procedures

This section shall provide information as to when the approved Enforcement Response Plan (ERP) had been formally adopted or last revised. In addition, the date the finalized ERP was submitted to the Regional Water Board shall also be given.

8) Federal Categories

This section shall contain a list of all of the federal categories that apply to the Dischargers.

The specific category shall be listed including the subpart and 40 CFR section that applies. The maximum and average limits for the each category shall be provided. This list shall indicate the number of Categorical Industrial Users (CIUs) per category and the CIUs that are being regulated pursuant to the category. The information and data used to determine the limits for those CIUs for which a combined waste stream formula is applied shall also be provided.

9) **Local Standards**

This section shall include a table presenting the local limits.

10) **Updated List of Regulated SIUs**

This section shall contain a complete and updated list of the Dischargers' Significant Industrial Users (SIUs), including their names, addresses, and a brief description of the individual SIU's type of business. The list shall include all deletions and additions keyed to the list as submitted in the previous annual report. All deletions shall be briefly explained.

11) **Compliance Activities**

a) **Inspection and Sampling Summary:** This section shall contain a summary of all the inspections and sampling activities conducted by the Dischargers over the past year to gather information and data regarding the SIUs. The summary shall include:

- (1) the number of inspections and sampling events conducted for each SIU;
- (2) the quarters in which these activities were conducted; and
- (3) the compliance status of each SIU, delineated by quarter, and characterized using all applicable descriptions as given below:
 - (a) in consistent compliance;
 - (b) in inconsistent compliance;
 - (c) in significant noncompliance;
 - (d) on a compliance schedule to achieve compliance, (include the date final compliance is required);
 - (e) not in compliance and not on a compliance schedule;
 - (f) compliance status unknown, and why not.

- b) **Enforcement Summary:** This section shall contain a summary of the compliance and enforcement activities during the past year. The summary shall include the names of all the SIUs affected by the following actions:
- (1) Warning letters or notices of violations regarding SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (2) Administrative Orders regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (3) Civil actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (4) Criminal actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
 - (5) Assessment of monetary penalties. Identify the amount of penalty in each case and reason for assessing the penalty.
 - (6) Order to restrict/suspend discharge to the POTW.
 - (7) Order to disconnect the discharge from entering the POTW.

12) Baseline Monitoring Report Update

This section shall provide a list of CIUs that have been added to the pretreatment program since the last annual report. This list of new CIUs shall summarize the status of the respective Baseline Monitoring Reports (BMR). The BMR must contain all of the information specified in 40 CFR §403.12(b). For each of the new CIUs, the summary shall indicate when the BMR was due; when the CIU was notified by the POTW of this requirement; when the CIU submitted the report; and/or when the report is due.

13) Pretreatment Program Changes

This section shall contain a description of any significant changes in the Pretreatment Program during the past year including, but not limited to, legal authority, local limits, monitoring/ inspection program and frequency, enforcement protocol, program's administrative structure, staffing level, resource requirements and funding mechanism. If the manager of the pretreatment program changes, a revised organizational chart shall be included. If any element(s) of the program is in the process of being modified, this intention shall also be indicated.

14) Pretreatment Program Budget

This section shall present the budget spent on the Pretreatment Program. The budget, either by the calendar or fiscal year, shall show the amounts spent on personnel, equipment, chemical analyses and any other appropriate categories. A brief discussion of the source(s) of funding shall be provided.

15) Public Participation Summary

This section shall include a copy of the public notice as required in 40 CFR §403.8(f)(2)(vii). If a notice was not published, the reason shall be stated.

16) Sludge Storage and Disposal Practice

This section shall have a description of how the treated sludge is stored and ultimately disposed. The sludge storage area, if one is used, shall be described in detail. Its location, a description of the containment features and the sludge handling procedures shall be included.

17) PCS Data Entry Form

The annual report shall include the PCS Data Entry Form. This form shall summarize the enforcement actions taken against SIUs in the past year. This form shall include the following information: the POTW name, NPDES Permit number, period covered by the report, the number of SIUs in significant noncompliance (SNC) that are on a pretreatment compliance schedule, the number of notices of violation and administrative orders issued against SIUs, the number of civil and criminal judicial actions against SIUs, the number of SIUs that have been published as a result of being in SNC, and the number of SIUs from which penalties have been collected.

18) Other Subjects

Other information related to the Pretreatment Program that does not fit into one of the above

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categories should be included in this section.

Signed copies of the reports shall be submitted to the Regional Administrator at U.S. EPA, the State Water Board and the Regional Water Board at the following addresses:

Regional Administrator
United States Environmental Protection Agency
Region 9, Mail Code: WTR-7
Clean Water Act Compliance Office
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Pretreatment Program Manager
Regulatory Unit
State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 95814

Pretreatment Coordinator
NPDES Permits Division
SF Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

**APPENDIX B:
REQUIREMENTS FOR SEMIANNUAL PRETREATMENT REPORTS**

The semiannual pretreatment reports are due on July 31st (for pretreatment program activities conducted from January through June) and January 31st (for pretreatment activities conducted from July through December) of each year, unless an exception has been granted by the Regional Water Board's Executive Officer. The semiannual reports shall contain, at a minimum, but is not limited to, the following information:

1) Influent, Effluent and Sludge Monitoring

The influent, effluent and sludge monitoring results shall be included in the report. The analytical laboratory report shall also be included, with the QA/QC data validation provided upon request. A description of the sampling procedures and a discussion of the results shall be given. (Please see Appendix C for specific detailed requirements.) The contributing source(s) of the parameters that exceed NPDES limits shall be investigated and discussed. In addition, a brief discussion of the contributing source(s) of all organic compounds identified shall be provided.

The Dischargers have the option to submit all monitoring results via an electronic reporting format approved by the Executive Officer. The procedures for submitting the data will be similar to the electronic submittal of the NPDES self-monitoring reports as outlined in the December 17, 1999 Regional Water Board letter, Official Implementation of Electronic Reporting System (ERS). The Dischargers shall contact the Regional Water Board's ERS Project Manager for specific details in submitting the monitoring data.

If the monitoring results are submitted electronically, the analytical laboratory reports (along with the QA/QC data validation) should be kept at the dischargers' facilities.

2) Industrial User Compliance Status

This section shall contain a list of all Significant Industrial Users (SIUs) that were not in consistent compliance with all pretreatment standards/limits or requirements for the reporting period. The compliance status for the previous reporting period shall also be included. Once the SIU has determined to be out of compliance, the SIU shall be included in the report until consistent compliance has been achieved. A brief description detailing the actions that the SIU undertook to come back into compliance shall be provided.

For each SIU on the list, the following information shall be provided:

- a. Indicate if the SIU is subject to Federal categorical standards; if so, specify the category including the subpart that applies.
- b. For SIUs subject to Federal Categorical Standards, indicate if the violation is of a categorical or local standard.
- c. Indicate the compliance status of the SIU for the two quarters of the reporting period.

- d. For violations/noncompliance occurring in the reporting period, provide (1) the date(s) of violation(s); (2) the parameters and corresponding concentrations exceeding the limits and the discharge limits for these parameters and (3) a brief summary of the noncompliant event(s) and the steps that are being taken to achieve compliance.

3) **POTW's Compliance with Pretreatment Program Requirements**

This section shall contain a discussion of the Dischargers' compliance status with the Pretreatment Program Requirements as indicated in the latest Pretreatment Compliance Audit (PCA) Report, Pretreatment Compliance Inspection (PCI) Report or Pretreatment Performance Evaluation (PPE) Report. It shall contain a summary of the following information:

- a. Date of latest PCA, PCI or PPE and report.
- b. Date of the Dischargers' response.
- c. List of unresolved issues.
- d. Plan and schedule for resolving the remaining issues.

The reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Publicly Owned Treatment Works (POTW) (40 CFR §403.12(j)). Signed copies of the reports shall be submitted to the Regional Administrator at U.S. EPA, the State Water Resources Control Board and the Regional Water Board at the following addresses:

Regional Administrator
United States Environmental Protection Agency
Region 9, Mail Code: WTR-7
Clean Water Act Compliance Office
Water Division
75 Hawthorne Street
San Francisco, CA 94105.

Pretreatment Program Manager
Regulatory Unit
State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 95814

Pretreatment Coordinator
NPDES Permits Division
SF Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

EXHIBIT B

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CEASE AND DESIST ORDER NO. R2-2008-0004

**REQUIRING WEST COUNTY AGENCY,
WEST COUNTY WASTEWATER DISTRICT, THE CITY OF RICHMOND,
AND THE RICHMOND MUNICIPAL SEWER DISTRICT NO. 1
TO CEASE AND DESIST DISCHARGING WASTEWATER IN VIOLATION OF
REQUIREMENTS TO WATERS OF THE STATE**

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

1. West County Agency is a Joint Powers Agency whose members are West County Wastewater District (WCWD), the City of Richmond, and Richmond Municipal Sewer District No. 1. These four entities are hereinafter referred to together as Dischargers, and individually as Discharger. The Dischargers own and operate two wastewater treatment plants: the West County Wastewater District Treatment Plant (WCWD plant) and the Richmond Municipal Sewer District Water Pollution Control Plant (Richmond plant). The WCWD plant is located at 2377 Garden Tract Road in Richmond and the Richmond plant is located at 601 Canal Boulevard in Richmond. The WCWD plant serves a population of about 90,000 covering parts of Richmond, the City of San Pablo, the communities of Tara Hills, Rollingwood, Bayview, and El Sobrante; the Crestview portion of Pinole and some unincorporated portions of Contra Costa County. It has a design flow rate of 12.5 million gallons per day (MGD) and the average daily flow rate in 2006 was about 9.8 MGD. The Richmond plant serves a population of about 68,000 covering most of the incorporated area of Richmond. It had a design flow rate of 16 MGD and the average daily flow rate in 2006 was about 8.5 MGD. Effluent from the WCWD plant and the Richmond plant are combined prior to discharge from the West County Agency outfall into San Francisco Bay.
2. The wastewater discharge has been regulated by waste discharge requirements in Order No. 01-144 (NPDES Permit No. CA0038539).
3. Concurrent with the adoption of this Cease and Desist Order, the Regional Water Board adopted Order No. R2-2008-0004 (hereinafter "Permit"), reissuing waste discharge requirements for the Dischargers. 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) | |
| Dioxin-TEQ | 1.4E-08 | 2.8E-08 | E-001-DC |
| Selenium | 3.8 | 8.9 | E-001-DC |
| Cyanide | 7.8 | 15 | E-001-DC |
| 4,4-DDD | 0.00084 | 0.0017 | E-001-DC |
| Heptachlor | 0.0020 | 0.0041 | E-001-DC |

4. The Dischargers submitted an infeasibility study demonstrating that they cannot comply with the effluent limits listed in Table 1. As stated in the Permit findings, the Regional Water Board concurs with the Dischargers because the effluent limits are more stringent than the maximum effluent concentrations measured in the effluent (or, in the case of cyanide and selenium, the 95th and 99th percentile of the data exceed the average monthly and daily maximum limits).
5. Although the Permit contains final effluent limits for 4,4-DDD and heptachlor, 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, 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 4,4-DDD and heptachlor ends, the Dischargers threaten to violate the effluent limitations for these pollutants.
6. Although the Permit contains final effluent limits for dioxin-TEQ, the Permit also provides a compliance schedule to meet these final effluent limits. The compliance schedule lasts until November 30, 2011. The Dischargers have notified the Regional Water Board that they will not be able to meet final effluents limits by this date. Therefore, the Dischargers threaten to violate the effluent limitations for this pollutant when the compliance schedule for dioxin-TEQ ends.
7. 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.
8. Because the Dischargers will violate or threaten to violate required effluent limits, this Order is necessary to ensure that the Dischargers achieve compliance. This Order establishes time schedules for the Dischargers to complete necessary investigative, preventive, and remedial actions to address their imminent and threatened violations. The Permit requires certain actions as conditions of their selenium, cyanide, 4,4-DDD, heptachlor, and dioxin-TEQ compliance schedules. This Order continues those

efforts once the compliance schedule ends so the Dischargers will eventually comply with their final effluent limitations.

9. 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.
10. As part of the time schedules to achieve compliance, this Order requires the Dischargers to comply with interim effluent limits, where feasible. These limits are intended to ensure that the Dischargers maintain at least their existing performance while completing all tasks required during the time schedules. The interim limits are based on past performance or 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. For cyanide and selenium, this Order retains the interim effluent limitations from Order No. 01-144. For 4,4-DDD and heptachlor, there was insufficient monitoring data to derive a reliable performance-based limit so the interim limits were based on a minimum level of 0.05 µg/L for 4,4-DDD and 0.01 µg/L for heptachlor.
11. The Dischargers are required to report the influent flow at both the WCWD plant and the Richmond plant as part of its self-monitoring program. However, the Richmond plant does not have an influent flow meter, so the Richmond Municipal Sewer District has been in violation of Order No. 01-144, Provision F.20.
12. 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.
13. The Regional Water Board notified the Dischargers 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 Dischargers shall cease and desist from discharging and threatening to discharge wastes in violation of their Permit by complying with the following provisions:

1. Prescribed Actions. The Dischargers shall comply with the required actions in Table 2 and Table 3 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 2 and Table 3 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Dischargers 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. *Cyanide*. The cyanide-related time schedules and prescribed actions shall cease to be in effect upon the effective date of site-specific objectives¹ for cyanide in San Francisco Bay resulting in an adjusted saltwater chronic objective of 2.9 µg/L and acute objective of 9.4 µg/L, and thus putting into effect the alternate effluent limits the Permit specifies. If different site-specific objectives are adopted, the Regional Water Board will establish revised effluent limits based on them after the effective date of those different site-specific objectives, and the cyanide-related time schedules and prescribed actions in this Order shall remain in effect until the revised cyanide limits are adopted. At that time, the Regional Water Board will determine if the cyanide-related time schedules and prescribed actions in Table 2 are still necessary or if they should be rescinded. Until such time, the Discharger shall comply with them.
 - b. *4,4-DDD and heptachlor*. The prescribed actions in Table 2, actions "b," "c," "d," and "e" shall not apply to 4,4-DDD or heptachlor because the Permit already requires these actions. Actions "a," "f," "g," and "h" shall apply to 4,4-DDD and heptachlor beginning May 18, 2010.
 - c. *Dioxin-TEQ*. The prescribed actions in Table 2, actions "b," "c," "d," and "e" shall not apply to dioxin-TEQ because the Permit already requires these actions. Actions "a," "f," "g," and "h" shall apply to dioxin-TEQ beginning November 30, 2011.
3. Reporting Delays. If the Dischargers are delayed, interrupted, or prevented from meeting one or more of the time schedules in Table 2 due to circumstances beyond its reasonable control, the Dischargers 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 Dischargers fail 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

¹ In December 2006, the Regional Water Board adopted site specific objectives for cyanide in San Francisco Bay.

against one or all four of the Dischargers 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.

5. Effective Date. This Order shall be effective on the effective date of the Permit.
6. Influent Flow Meter. No later than 180 days of the effective date of this Order, the City of Richmond shall complete installation, testing, and calibration of an influent flow meter at the Richmond plant, and commence influent flow monitoring in accordance with Permit requirements.

Table 2: Time Schedule and Prescribed Actions for Effluent Limitations

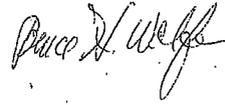
| Action | Deadline | | | | |
|---|---------------------------------------|------------------------|----------------|------------|----------------|
| | Cyanide | Selenium | 4,4-DDD | Heptachlor | Dioxin-TEQ |
| <p>a. Comply with the following interim effluent limits at Monitoring Station E-001-DC: <i>Cyanide</i>: Max. daily effluent limit = 25 µg/L <i>Selenium</i>: Max. daily effluent limit = 17 µg/L <i>4,4-DDD</i>: Minimum level = 0.05 µg/L <i>heptachlor</i>: Minimum level = 0.01 µg/L</p> | Upon the effective date of this Order | Beginning May 18, 2010 | | | Not Applicable |
| <p>b. Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for cyanide and 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.</p> | June 1, 2008 | | Not Applicable | | |
| <p>c. If discharge data from the previous two years continue to show the discharge is out of compliance (as defined in Section 2.4.5 of the State Implementation Policy) with the permit effluent limits, submit a plan for identifying all sources of cyanide and selenium. Examples of potential cyanide sources include metal plating and finishing, electroplating, photographic finishing, and laboratories. The plan shall, at a minimum, include sampling influent waste streams to identify and quantify pollutant sources.</p> | November 1, 2008 | | Not Applicable | | |

| | | |
|--|----------------------|---|
| <p>If either the WCWD plant or the Richmond plant can demonstrate that their individual wastewater streams do not violate or threaten to violate final effluent limit specifications of the limitation and discharge specifications of the Permit, then that facility shall just monitor and submit annual reports.</p> | | |
| <p>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.</p> | <p>March 1, 2009</p> | <p>Not Applicable</p> |
| <p>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:</p> <ul style="list-style-type: none"> 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 the source. iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system. | <p>May 1, 2009</p> | <p>Not Applicable</p> |
| <p>f. 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</p> | | <p>Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3</p> |

| | |
|---|---|
| <p>Permit. If not, identify and implement additional measures to further reduce discharges.</p> | |
| <p>g. If the discharge data show that the discharge is not out of compliance (as defined in Section 2.4.5 of the State Implementation Policy), then the remainder of the provisions in this Order are not applicable.</p> | <p>Review discharge data annually each February 28th in the Best Management Practices and Pollutant Minimization Reports</p> |
| <p>h. If by February 28, 2012, the above actions 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. 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:</p> <ul style="list-style-type: none"> 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 | <p>April 1, 2012</p> |

| | |
|--|--|
| <p>i. Implement the plan required in action "i" within 45 days of the deadline for action "h," and submit annual status reports.</p> | <p>Annually each February 1 in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring and Reporting Program</p> |
| <p>j. Submit documentation confirming complete plan implementation and comply with effluent limits in the Permit.</p> | <p>April 1, 2016</p> |

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 January 30, 2008.



Digitally signed by
Bruce Wolfe
Date: 2008.02.06
21:55:27 -08'00'

BRUCE H. WOLFE
Executive Officer